

CHAPTER 11-55 APPENDIX A

DEPARTMENT OF HEALTH STANDARD GENERAL PERMIT CONDITIONS

September 2002

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Note: All references to Title 40 of the Code of Federal Regulations (40 CFR) are to regulations that are in effect on July 1, 2001 unless otherwise specified. The Clean Water Act (Act) is also known as the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977, and appears at 33 U.S.C. §§1251 to 1387.

The permittee shall comply with the following standard conditions.

1. Basic water quality criteria (section 11-54-04)
 - a. The permittee shall not cause or contribute to a violation of the basic water quality criteria specified in section 11-54-04(a) which states:
 - "(a) All waters shall be free of substances attributable to domestic, industrial, or other controllable sources of pollutants, including:
 - (1) Materials that will settle to form objectionable sludge or bottom deposits;
 - (2) Floating debris, oil, grease, scum, or other floating materials;
 - (3) Substances in amounts sufficient to produce taste in the water or detectable off-flavor in the flesh of fish, or in amounts sufficient to produce objectionable color,

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turbidity, or other conditions in the receiving waters;

- (4) High or low temperatures; biocides; pathogenic organisms; toxic, radioactive, corrosive, or other deleterious substances at levels or in combinations sufficient to be toxic or harmful to human, animal, plant, or aquatic life, or in amounts sufficient to interfere with any beneficial use of the water;
- (5) Substances or conditions or combinations thereof in concentrations which produce undesirable aquatic life;
- (6) Soil particles resulting from erosion on land involved in earthwork, such as the construction of public works; highways; subdivisions; recreational, commercial, or industrial developments; or the cultivation and management of agricultural lands."

- b. The discharge shall not cause or contribute to a violation of the basic requirements of section 11-54-04(b).

2. Onshore or offshore construction

The applicable general permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any state waters.

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3. Sampling requirements and definitions

(a) Sampling Points

All samples shall be taken at the monitoring points specified in the applicable general permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the director. No discharge is authorized which does not totally pass through the final monitoring point.

(b) Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of discharges. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than plus or minus ten per cent from the true discharge rates throughout the range of expected discharge volumes. Once-through condenser cooling water flow which is monitored by pump logs or pump hour meters as specified in the applicable general permit based on the manufacturer's pump curves shall not be subject to this requirement. Guidance in selection, installation, calibration, and operation of acceptable flow measurement devices can be obtained from the following references:

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- (1) "A Guide of Methods and Standards for the Measurement of Water Flow," U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 421, May 1975, 97 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by SD catalog No. C13.10:421.)
- (2) "Water Measurement Manual," U.S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by catalog No. 127.19/2:W29/2, Stock No. S/N 24003-0027.)
- (3) "Flow Measurement in Open Channels and Closed Conduits," U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Service (NTIS), Springfield, VA 22151. Order by NTIS No. PB-273 535/5ST.)
- (4) "NPDES Compliance Flow Measurement Manual," U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-77, September 1981, 135 pp. (Available from the General Services Administration (8BRC), Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, CO 80225.)

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(c) Calibration

The permittee shall periodically calibrate and perform maintenance on all monitoring and analytical equipment used to monitor the pollutants discharged under the applicable general permit, at intervals which will ensure the accuracy of measurements, but no less than the manufacturer's recommended intervals or six-month intervals (whichever comes first). Records of calibration shall be kept under section 14.

(d) pH Effluent Limitations Under Continuous Monitoring

If the permittee continuously measures the pH of the effluent under a requirement or option in the applicable general permit, excursions from the range provided in the general permit or as specified in chapter 11-54 are permitted, provided:

- (1) The pH limitation in the general permit is based upon a requirement imposed under 40 CFR Subchapter N, Effluent Guidelines and Standards;
- (2) The total time during which the pH values are outside the required range of pH values shall not exceed four hundred forty-six minutes in any calendar month;
- (3) No individual excursions from the range of pH values shall exceed sixty minutes; and
- (4) For purposes of this section, an "excursion" is an unintentional and temporary incident in which the pH value

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of the effluent exceeds the range set forth in the applicable general permit. The number of individual excursions exceeding sixty minutes and the total accumulated excursion time in minutes occurring in any calendar month shall be reported in accordance with the applicable general permit.

(e) Average

As used in the applicable general permit, unless otherwise stated, the term "average" means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For fecal coliform, enterococcus, or *clostridium perfringens*, the "average" shall be the geometric mean. For total coliform, the "average" shall be the median.

(f) Mass/Day Measurements

- (1) The "daily discharge" is the total mass (weight) of a pollutant discharged during a calendar day. The daily discharge shall be determined by using the following equations:

$$\text{Daily Discharge(lbs/day)} = 8.34 \times Q \times C;$$

$$\text{Daily Discharge(kg/day)} = 3.785 \times Q \times C;$$

and

where "C" (in mg/l) is the measured daily concentration of the pollutant and "Q" (in million gallons per day) is the measured effluent flow rate for the same calendar day.

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If only one sample is taken during any calendar day, the mass (weight) of pollutant discharged that is calculated from it is the "daily discharge."

- (2) The "average monthly discharge" is defined as the total mass of all daily discharges sampled or measured or both during a calendar month on which daily discharges are sampled and measured, divided by the number of daily discharges sampled or measured or both during such month. It is, therefore, an arithmetic mean found by adding the weights of the pollutant found each day of the month and then dividing this sum by the number of days. This limitation is identified as "Monthly Average" in the applicable general permit and the average monthly discharge value is reported in the "Average" column under "Quantity" on the discharge monitoring report form.
- (3) The "average weekly discharge" is defined as the total mass of all daily discharges sampled or measured or both during the calendar week in which daily discharges are sampled or measured or both. It is, therefore, an arithmetic mean found by adding the weights of pollutants found each day of the week and then dividing this sum by the number of days. This limitation is identified as "Weekly Average" in the applicable general permit and the average weekly discharge value is reported in the "Maximum" column under "Quantity" on the discharge monitoring report form.

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- (4) The "maximum daily discharge" is the highest daily discharge value recorded, sampled, or measured during the reporting period. This limitation is identified as "Daily Maximum" in the applicable general permit and the maximum daily discharge value is reported in the "Maximum" column under "Quantity" on the discharge monitoring report form.
- (g) Concentration Measurements
- (1) The "daily concentration" is the concentration of a pollutant discharged during a calendar day. It is equal to the concentration of a composite sample or in the case of grab samples, it is the arithmetic mean (weighted by flow value) of all samples collected during that calendar day. If only one sample is taken during any calendar day, it represents the "daily concentration."
 - (2) The "average monthly concentration," other than for fecal coliform, enterococcus, *clostridium perfringens*, or total coliform, is the sum of the daily concentrations sampled or measured or both divided by the number of daily discharges sampled or measured or both during such month (arithmetic mean of the daily concentration values). The average monthly count for fecal coliform, enterococcus, or *clostridium perfringens* is the geometric mean of the counts for samples collected during a calendar month. The average monthly count for total coliform is the median of the counts for samples collected (not

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less than five discrete samples) during a calendar month. This limitation is identified as "Monthly Average" or "Daily Average" under "Other Limits" in the applicable general permit and the average monthly concentration value is reported under the "Average" column under "Quality" on the discharge monitoring report form.

- (3) The "average weekly concentration," other than for fecal coliform, enterococcus, or *clostridium perfringens*, or total coliform, is the sum of the concentrations of all daily discharges sampled or measured or both during a calendar week on which daily discharges are sampled and measured divided by the number of daily discharges sampled or measured or both during such week (arithmetic mean of the daily concentration values). The average weekly count for fecal coliform, enterococcus, or *clostridium perfringens* is the geometric mean of the counts for samples collected during a calendar week. The average weekly count for total coliform is the median of the counts for samples collected during a calendar week. This limitation is identified as "Weekly Average" under "Other Limits" in the applicable general permit and the average weekly concentration value is reported under the "Maximum" column under "Quality" on the discharge monitoring report form.
- (4) The "maximum daily concentration" is the highest daily concentration value recorded, sampled, or measured during

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the reporting period. This limitation identified as "Daily Maximum" under "Other Limits" in the applicable general permit and the maximum daily concentration is reported under the "Maximum" column under "Quality" on the discharge monitoring report form.

- (h) The effluent flow expressed as cubic meters per day or million gallons per day (MGD), is the 24-hour average flow averaged monthly. It is the arithmetic mean of the total daily flows recorded during the calendar month. Where monitoring requirements for flow are specified in the applicable general permit, the flow rate values are reported in the "Average" column under "Quantity" on the discharge monitoring report form.
- (1) An "instantaneous flow measurement" is a measure of flow taken at the time of sampling, when both the sample and flow will be representative of the total discharge.
- (2) Where monitoring requirements for pH, dissolved oxygen or fecal coliform, enterococcus, or *clostridium perfringens* are specified in the applicable general permit, the values are generally reported in the "Quality or Concentration" column on the discharge monitoring report form.
- (i) The "arithmetic mean" of any set of values is the summation of the individual values divided by the number of individual values.
- (j) The "geometric mean" of any set of values is the Nth root of the product of the individual

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values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero shall be considered to be one.

- (k) "Weighted by flow value" means the summation of each concentration times its respective flow divided by the summation of the respective flows.
- (l) The "median" of any set of ordered values is the value below and above which there is an equal number of values or which is the arithmetic mean of the two middle values if there is no one middle number.
- (m) A calendar day is defined as the period from midnight of one day until midnight of the next day. However, for the purposes of the applicable general permit, any consecutive 24-hour period that reasonably represents the calendar day may be used for sampling.
- (n) "Removal efficiency" is the ratio of pollutants removed by the treatment unit to pollutants entering the treatment unit. Removal efficiencies of a treatment plant shall be determined using the average monthly concentrations (C, in mg/l) of influent and effluent samples collected about the same time and the following equation (or its equivalent):

$$\text{Removal Efficiency (per cent)} = 100 \times \left(1 - \frac{C_{\text{effluent}}}{C_{\text{influent}}}\right)$$

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4. Duty to reapply

If the permittee wishes to continue an activity regulated by the applicable general permit after the expiration of the notice of general permit coverage or in the case of automatic coverage, the expiration of the general permit itself, the permittee shall follow the procedures as specified in sections 11-55-34.08 and 11-55-34.09.

5. Applications (comply with 40 CFR §122.22)

6. Duty to comply (comply with 40 CFR §122.41(a))

7. Need to halt or reduce activity not a defense (comply with 40 CFR §122.41(c))

8. Duty to mitigate (based in part on 40 CFR §122.41(d))

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of the applicable general permit or applicable law.

9. Proper operation and maintenance (comply with 40 CFR §122.41(e))

10. Permit actions (comply with 40 CFR §122.41(f))

11. Property rights (comply with 40 CFR §122.41(g))

12. Duty to provide information (comply with 40 CFR §122.41(h))

13. Inspection and entry (comply with 40 CFR §122.41(i))

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14. Monitoring and records (based in part on 40 CFR §122.41(j))

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

As used in this section, a representative sample means that the content of the sample shall:

- (1) Be identical to the content of the substance sampled at the time of the sampling;
- (2) Accurately represent the monitored item (for example, sampling to monitor final effluent quality shall accurately represent that quality, even though the sampling is done upstream of the discharge point); and
- (3) Accurately represent the monitored item for the monitored time period (for example, sampling to represent monthly average effluent flows shall be taken at times and on days that cover significant variations). Representative sampling may include weekends and storm events and may mean taking more samples than the minimum number specified elsewhere in the applicable general permit.

The burden of proving that sampling or monitoring is representative is on the permittee.

- (b) Except for records of monitoring information required by the applicable general permit related to the permittee's sewage sludge use

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and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the applicable general permit, and records of all data used to complete the application for the applicable general permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the director at any time.

- (c) Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) the analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of the analyses.
- (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136

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unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in the applicable general permit.

- (e) The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained by the applicable general permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both for a first conviction. For a second conviction, the person is subject to a fine of not more than \$20,000 per day of violation, or by imprisonment for not more than four years, or both. (Updated under the Water Quality Act of 1987)

- 15. Signatory requirement (comply with 40 CFR §§122.22 and 122.41(k))
- 16. Reporting requirements (comply with 40 CFR §122.41(l))
- 17. Bypass (based in part on 40 CFR §122.41(m))

(a) Definitions

- (1) "Bypass" means the intentional diversion of any waste streams from any portion of a treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a

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bypass. Severe property damage does not mean economic loss caused by delays in production.

- (b) Prohibition of bypass. Every bypass is prohibited, and the director may take enforcement action against a permittee for bypass, except as provided in section 17(c).
- (c) Exceptions to bypass prohibition
 - (1) Bypass not exceeding limitations. A bypass is allowable under this paragraph only if it does not cause any effluent limitation to be exceeded, and only if the bypass is necessary for essential maintenance to assure efficient operation.
 - (2) Bypass unavoidable to prevent specified harm. A bypass is allowable under this paragraph if:
 - (A) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment

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downtime or preventative
maintenance; and

(C) The permittee submitted notices as
required under section 17(d).

(3) Approved anticipated bypass. An
anticipated bypass is allowable if the
director approves it. The director
shall approve the anticipated bypass
only if the director receives
information sufficient to show
compliance with section 17(c)(2),
including information on the potential
adverse effects with and without the
bypass, and information on the search
for and the availability of
alternatives, whether the permittee
ultimately considers the alternatives
feasible or not.

(d) Notice

(1) Anticipated bypass. If the permittee
knows in advance of the need for a
bypass, the permittee shall submit prior
notice, if possible at least ten days
before the date of the bypass.

(2) Unanticipated bypass. The permittee
shall report unanticipated bypasses.

(A) Reports required by the reporting
requirements of the applicable
general permit shall be made in
accordance with that section. If
the permittee questions whether the
reporting requirements of the
applicable general permit applies,
it shall follow the reporting

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requirements of the applicable general permit;

(B) For all other bypasses, reports shall be made orally within twenty-four hours from the time the permittee becomes aware of the bypass. Written reports may be required on a case-by-case basis.

(e) Burden of proof. In any enforcement proceeding the party seeking to establish that any exception to the bypass prohibition applies has the burden of proof. Proof that effluent limitations were met requires effluent monitoring during the bypass.

18. Upset (based in part on 40 CFR §122.41(n))

- (a) Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with the technology based permit effluent limitations if the requirements of section 18(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for

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noncompliance, is final administrative action subject to judicial review.

- (c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted within twenty-four hours a notice of any upset which exceeded any effluent limitation in the applicable general permit; and
 - (4) The permittee complied with any remedial measures required under 40 CFR §122.41(d).
 - d. Burden of proof. In any enforcement proceeding, any person seeking to establish the occurrence of an upset has the burden of proof.
- 19. Existing manufacturing, commercial, mining, and silvicultural dischargers (comply with 40 CFR §122.42(a))
 - 20. Publicly owned treatment works (comply with 40 CFR §122.42(b))
 - 21. Reopener clause (comply with 40 CFR §122.44(c) and 40 CFR §125.123(d)(4))

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22. Privately owned treatment works (The following conditions were established by EPA Region 9 to enforce applicable requirements of the Resource Conservation and Recovery Act and 40 CFR §122.44(m))

This section applies only to privately owned treatment works as defined at 40 CFR §122.2.

- (a) Materials authorized to be disposed of into the privately owned treatment works and collection system are typical domestic sewage. Unauthorized materials are hazardous waste (as defined at 40 CFR Part 261), motor oil, gasoline, paints, varnishes, solvents, pesticides, fertilizers, industrial wastes, or other materials not generally associated with toilet flushing or personal hygiene, laundry, or food preparation, unless specifically listed under "Authorized Non-domestic Sewer Dischargers" elsewhere in the applicable general permit. The Domestic Sewage Exclusion (40 CFR §261.4) does not apply to hazardous wastes mixed with domestic sewage in a sewer leading to a privately owned treatment works.
- (b) It is the permittee's responsibility to inform users of the privately owned treatment works and collection system of the prohibition against unauthorized materials and to ensure compliance with the prohibition. The permittee must have the authority and capability to sample all discharges to the collection system, including any from septic haulers or other unsewered dischargers, and shall take and analyze such samples for conventional, toxic, or hazardous pollutants when instructed by the permitting authority or by an EPA or state inspector. The permittee must provide

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adequate security to prevent unauthorized discharges to the collection system.

- (c) Should a user of the privately owned treatment works desire authorization to discharge non-domestic wastes, the permittee shall submit a request for permit modification and an application, under 40 CFR §122.44(m), describing the proposed discharge. The application shall, to the extent possible, be submitted using forms provided by the Administrator, unless another format is requested by the permitting authority. If the privately owned treatment works or collection system user is different from the permittee, and the permittee agrees to allow the non-domestic discharge, the user shall submit the application and the permittee shall submit the applicable general permit modification request. The application and request for modification shall be submitted at least six months before authorization to discharge non-domestic wastes to the privately owned treatment works or collection system is desired.

- 23. Transfers by modification (comply with 40 CFR §122.61(a))
- 24. Automatic transfers (comply with 40 CFR §122.61(b) and section 11-55-34.08(i)(2))
- 25. Minor modification of permits (comply with 40 CFR §122.63)
- 26. Termination of permits (comply with 40 CFR §122.64)
- 27. Removed substances (under Sections 301 and 405 of the Act and 40 CFR §125.3(g))

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Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner which prevents any pollutant from the materials from entering state waters.

28. Availability of reports (under Section 308 of the Act)

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of the applicable general permit shall be available for public inspection at the offices of the director. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

29. Civil and criminal liability (under Section 309 of the Act)

Except as provided in the applicable general permit conditions on "Bypass" (section 17) and "Upset" (section 18), nothing in the applicable general permit shall be construed to relieve the permittee from civil or criminal penalties or remedies for noncompliance.

30. Oil and hazardous substance liability (under Section 311 of the Act)

Nothing in the applicable general permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

31. Federal facility construction (under Section 313(b) of the Act)

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Construction shall not be initiated for facilities for treatment of wastewater at any federal property or facility if alternative methods for wastewater treatment at the property or facility utilizing innovative treatment processes and techniques, including, but not limited to, methods utilizing recycle and reuse techniques and land treatment are not utilized, unless the life cycle cost of the alternative treatment works exceeds the life cycle cost of the most effective alternative by more than fifteen per cent.

32. State law (under Section 510 of the Act)

Nothing in the applicable general permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established under any applicable state law or regulation.

33. Severability (under Section 512 of the Act)

The provisions of the applicable general permit are severable and if any provision of the applicable general permit, or the application of any provision of the applicable general permit to any circumstance, is held invalid, the application of the provision to other circumstances, and the remainder of the applicable general permit, shall not be affected thereby.

34. Notice of Intent Requirements (comply with section 11-55-34.08)

The owner or its duly authorized representative shall include the following information in the notice of intent (NOI):

- (a) Legal name(s), street address, contact person's name and position title, and

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telephone and fax numbers of the owner and operator and duly authorized representative, if applicable.

For a construction activity, the operator is usually the general contractor. In this case, the general contractor's legal name, street address, contact person's name and position title, and telephone and fax numbers shall be submitted to the director with the notice of intent or thirty days before the start of construction activities;

- (b) Ownership status as federal, state, private, public or other entity;
- (c) Name, street address, island, tax map key number(s), contact person's name and position title, and telephone and fax numbers of the facility or project for which the notice of intent is submitted;
- (d) Name(s) of the receiving state water(s) that the effluent enters or will enter, the latitude and longitude of each outfall or discharge point to the nearest receiving state water(s) or separate storm water drainage system, and the classification of the receiving state water(s).

If the effluent initially enters a separate storm water drainage system, the owner or its duly authorized representative shall provide the following information:

- (1) Name of the owner of the drainage system; and
- (2) Copy of the permit, license, or equivalent written approval granted by the owner(s) of the drainage system(s)

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allowing the subject discharge to enter their drainage system(s).

- (e) Type of general permit required for the proposed discharge;
- (f) Quantity of discharge; the source of the discharge; and the period of discharge, i.e., continuous, seasonal, occasional, or emergency;
- (g) Topographic map or maps of the area on 8-1/2 by 11 inches sized paper extending at least one mile beyond the property boundaries of the site which clearly show the following:
 - (1) Legal boundaries of the site;
 - (2) Location and an identification number for each of the site's existing and proposed intake and discharge structures.

If the intake or discharge structure associated with the site is located less than one mile from the construction site or treatment system(s) or control device(s) associated with the site(s), the owner or its duly authorized representative shall show it on the map. If not, the owner or its duly authorized representative shall attach additional sheets describing the location of the structure or disposal site and identify it on a 7-1/2 minute series U.S. Geological Survey or other map corresponding to the location. If a 7-1/2 minute series map has not been published for the site, then the owner or its duly authorized representative shall use a 15 minute series map from

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the U.S. Geological Survey. If neither a 7-1/2 nor 15 minute series map has been published for the site, the owner or its duly authorized representative shall use a plat map or other appropriate map, including all of the required information; and

- (3) Receiving state water(s) or receiving storm water drainage system(s) identified and labeled.
- (h) Flow chart or line drawing showing the general route taken by the discharge from the intake or source to the discharge point. The owner or its duly authorized representative shall show any treatment system(s) or erosion control(s) used or to be used for new discharges. The flow contributed by each source may be estimated if no data is available; and
- (i) List of existing or pending permits, licenses, or approvals and corresponding file numbers.

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NPDES GENERAL PERMIT AUTHORIZING DISCHARGES OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES

September 2002

1. Coverage under this General Permit
 - (a) This general permit covers discharges composed entirely of storm water runoff associated with industrial activity, as defined in 40 CFR §§122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi).
 - (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."
2. Limitations on Coverage under this General Permit
 - (a) This general permit does not cover the following:
 - (1) Storm water discharges associated with industrial facilities which flow into a sanitary sewer system;
 - (2) Storm water discharges in categories for which storm water discharge limitation guidelines have been promulgated by the EPA;
 - (3) Storm water discharges associated with construction activities;

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- (4) Storm water discharges from industrial facilities which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s);
 - (5) Storm water discharges for which the director has issued a notice of general permit coverage under another general permit specific to that type of industrial activity;
 - (6) Storm water discharges for which the director has received a "no exposure" certification for a conditional "no exposure" exclusion;
 - (7) Storm water discharges from municipal separate storm water drainage systems;
 - (8) Storm water discharges the director finds more appropriately regulated under an individual permit; and
 - (9) Storm water discharges where the circumstances have changed since the time of the request to be covered so that the permittee is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary.
- (b) The director may require any permittee authorized by this general permit to apply

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for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

3. Term of General Permit

(a) This general permit becomes effective when section 11-55-34.02(b)(1) becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02(b)(1) are adopted, whichever is earlier.

(b) A notice of general permit coverage under this general permit expires:

(1) Five years after the effective date of this general permit;

(2) When the notice of general permit coverage specifies; or

(3) When amendments to section 11-55-34.02(b)(1) are adopted,

whichever is earliest, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

4. Notice of Intent Requirements

(a) The owner or its duly authorized representative shall submit a complete notice of intent no later than thirty days before the proposed starting date of the discharge or thirty days before the expiration date of

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the applicable notice of general permit coverage.

- (b) The owner or its duly authorized representative shall include the following information in the notice of intent:
 - (1) Information required in section 34 of appendix A of chapter 11-55;
 - (2) List of up to four Standard Industrial Classification codes or North American Industrial Classification System codes that best represent the products or activities of the facility;
 - (3) Existing quantitative and qualitative data which describe the concentrations of pollutants in storm water discharges. In cases when this data is not available at the time of notice of intent submission due to lack of representative rainfall event for sampling, the permittee shall monitor the next representative rainfall event and submit the data to the director of health within thirty days of the sampling;
 - (4) Facility site map; and
 - (5) Storm water pollution control plan, which meets the applicable requirements as specified in sections 6 or 7 or both of this general permit. The permittee for a proposed facility shall submit the storm water pollution control plan to the director within one hundred twenty days after the issuance date of the notice of general permit coverage or by

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the date the permittee claimed automatic coverage as specified in section 11-55-34.09(e)(2), or by the date the facility begins operations. The permittee for a proposed facility shall implement its storm water pollution control plan within one hundred eighty days after submittal to the director.

The permittee for a facility which is currently covered by a notice of general permit coverage shall submit its existing or updated storm water pollution control plan, which meets the applicable requirements as specified in sections 6 or 7 or both of this general permit, with the notice of intent and shall continue to implement the storm water pollution control plan during the processing of the notice of intent.

- (c) The director may require additional information to be submitted.
- (d) The owner or its duly authorized representative shall submit a complete notice of intent to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

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5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

6. Storm Water Pollution Control Plan Requirements

(a) The permittee shall develop and implement a storm water pollution control plan to minimize the discharge of pollutants in storm water runoff and to maintain compliance with conditions of this general permit. The storm water pollution control plan shall include the following:

- (1) Brief facility description;
- (2) Site map identifying the locations of drainage structures; outline of each drainage area; paved areas and buildings and other ground cover within each drainage area; each past or present area for outdoor storage, industrial activities, or disposal of materials; each past or present area of a significant spill (as identified in sections 6(a)(5) and 6(a)(6) of this general permit); structural measures for the control of storm water; material loading and access areas; areas where pesticides, herbicides, soil conditioners and fertilizers are applied; hazardous waste storage or disposal areas or both; underground injection wells; sampling locations,

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outfall locations; and the nearest receiving state water(s);

- (3) Pollutant control strategy identifying potential pollutants, pollutant sources, and control strategies used to minimize the discharge of pollutants. The permittee shall consider the use of containment structures, covering materials by roof or tarpaulin, preventive maintenance, good housekeeping measures, waste minimization, removal of exposed pollutants, and spill prevention practices;
- (4) Spill prevention and response plan that identifies spill prevention and response measures and facility personnel responsible for its implementation and conforms with the reporting requirements. Responsible personnel shall be available at all times when the facility is in operation;
- (5) Existing information regarding significant leaks or spills of toxic or hazardous pollutants at the facility that have taken place within the three years before the submittal of this storm water pollution control plan;
- (6) Existing information regarding any discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required under 40 CFR §110.6 at anytime since November 16, 1987;

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- (7) Storm water monitoring plan that includes the following:
 - (A) Rationale for selecting sampling locations. Where two or more outfalls are expected, based on the features and activities within the drainage areas, to convey substantially similar storm water discharges, the permittee may request to monitor only one of those outfalls. The director may approve the request if the permittee demonstrates that the outfalls monitored are representative for the overall storm water discharges from the facility. The justification for the outfall sampling locations chosen shall be incorporated into the monitoring plan. The permittee shall sample for all potentially present pollutants as identified in the notice of intent; as listed in Federal Register, Vol. 65, No. 210, pp. 64800-64880, dated October 30, 2000; or the storm water pollution control plan;
 - (B) Sample collection methods, including Quality Assurance/Quality Control methods;
 - (C) List of parameters to be monitored;
 - (D) Type of sample to be taken for each parameter to be monitored;

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- (E) Test procedures to be used for each parameter to be monitored;
 - (F) Detection limit for each test procedure;
 - (G) Method to calculate storm water flow;
 - (H) Procedures to collect storm event information, including the date, duration, and starting and ending times of the storm event, and the duration between the storm event and the end of the previous rainfall event with rainfall greater than 0.1 inches; and
 - (I) Procedures to inspect receiving state waters, storm water runoff, control measures, and best management practices to detect violations of the basic water quality criteria as specified in section 11-54-04; and
- (8) Procedures for implementing, reviewing, and updating the storm water pollution control plan including:
- (A) Annual employee education or training program that ensures the storm water pollution control plan will be properly implemented;
 - (B) Protocol for inspections that ensures the pollutant control strategy and the spill prevention

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and response plan are being effectively carried out; and

- (C) Documentation procedures for all inspections and reviews required in the storm water pollution control plan.
- (b) The permittee shall maintain the storm water pollution control plan on-site or at a nearby office.
- (c) The permittee shall conduct facility inspections as specified in Federal Register, Vol. 65, No. 210, pp. 64800-64880, dated October 30, 2000, to ensure that the storm water pollution control plan remains effective. Otherwise, the permittee shall conduct facility inspections at least semi-annually. The permittee shall maintain a record of the following:
 - (1) Dates on which inspections were conducted;
 - (2) Inspection findings; and
 - (3) Corrective actions taken.
- (d) The permittee shall review and update the storm water pollution control plan as often as needed to comply with the conditions of this general permit or conditions of the notice of general permit coverage, whichever is more stringent, or as required by the director. The permittee shall document and report any changes to the storm water pollution control plan to the director within thirty days of when the changes arise. The

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permittee shall retain the storm water pollution control plan and all accompanying records, reports, and changes, for a period of at least five years after the expiration of this general permit unless otherwise noted in section 13 of this general permit.

7. Additional Conditions for Facilities Subject to Superfund Amendments and Reauthorization Act Section 313 Requirements.

The permittee for facilities subject to reporting requirements under Superfund Amendments and Reauthorization Act of 1986, Title III, Section 313, 42 U.S.C. §11023 for chemicals which are classified as "Section 313 water priority chemicals" in accordance with the definition in section 7(c) shall describe and ensure in the storm water pollution control plan the implementation of practices which are necessary to provide conformance with the following guidelines:

(a) In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, the permittee shall provide appropriate containment, drainage control or diversionary structures or both. At a minimum, the permittee shall use one of the following preventive systems or its equivalent:

(1) Curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water runoff to come into contact with significant sources of pollutants;
or

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- (2) Roofs, covers or other forms of protection to prevent storage piles from exposure to storm water and wind.
- (b) In addition to the minimum standards listed under section 7(a) above, the permittee shall include in the storm water pollution control plan a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution control procedures, and applicable state rules, regulations, and guidelines:
 - (1) Liquid storage areas where storm water comes into contact with any equipment, tank, container, or other vessel used for Section 313 water priority chemicals.
 - (A) The permittee shall not use any tank or container for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.
 - (B) The permittee shall operate liquid storage areas for Section 313 water priority chemicals to minimize discharges of Section 313 chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for

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precipitation, a strong spill contingency and integrity testing plan or other equivalent measures or both.

- (2) The permittee shall incorporate drainage or other control features which will minimize the discharge of Section 313 water priority chemicals from material storage areas for Section 313 water priority chemicals other than liquids which are subject to runoff, leaching, or wind.
- (3) The permittee shall operate truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals to minimize discharges of Section 313 water priority chemicals. The permittee shall provide protection such as overhangs or door skirts to enclose trailer ends at truck loading/unloading docks as appropriate. Appropriate measures to minimize discharges of Section 313 chemicals may include: the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur (such as hose connections, hose reels and filler nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; or other equivalent measures or any combination thereof.
- (4) The permittee shall operate processing equipment and materials handling equipment in facility areas where

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Section 313 water priority chemicals are transferred, processed, or otherwise handled to minimize discharges of Section 313 water priority chemicals. Materials used in piping and equipment shall be compatible with substances handled. The permittee shall provide drainage from process and materials handling areas to minimize storm water contact with Section 313 water priority chemicals. The permittee shall provide additional protection such as covers or guards to prevent exposure to wind, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system as appropriate. The Permittee shall perform visual inspections or leak tests for overhead piping conveying Section 313 water priority chemicals without secondary containment.

- (5) Discharges from areas covered by section 7(b)(1), 7(b)(2), 7(b)(3), or 7(b)(4).
 - (A) The permittee shall prevent the discharge of a spill or other excessive leakage of Section 313 water priority chemicals by restraining drainage from areas covered by section 7(b)(1), 7(b)(2), 7(b)(3), or 7(b)(4) by valves or other positive means. Where containment units are employed, the permittee shall manually activate pumps or ejectors to empty units.

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- (B) The Permittee shall not use flapper-type drain valves to drain containment areas. As much as practicable, the Permittee shall use manual valves designed to open-and-close.
- (C) If facility drainage is not engineered as described above, the permittee shall equip all in-facility storm sewers with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.
- (D) The permittee shall keep records of the frequency and estimated volume (in gallons) of discharges from containment areas.
- (6) The permittee shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed Section 313 water priority chemicals from other areas of the facility not addressed in sections 7(b)(1), 7(b)(2), 7(b)(3), or 7(b)(4) and ensure the mitigation of pollutants in runoff or leachate, from which runoff which may contain or spills of Section 313 water priority chemicals could cause a discharge.
- (7) The permittee shall inspect all areas of the facility at specific intervals for leaks or conditions that could lead to discharges of Section 313 water priority

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chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, the permittee shall examine facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas for any conditions or failures which could cause a discharge.

- (A) The permittee shall include an inspection for leaks, areas affected by wind, corrosion, support or foundation failure, or other forms of deterioration or noncontainment.
- (B) The permittee shall specify inspection intervals in the storm water pollution control plan. The permittee shall base inspection intervals on design and operational experience where different areas may require different inspection intervals.
- (C) Where a leak or other condition is discovered which may result in significant releases of Section 313 water priority chemicals to state waters, the permittee shall take immediate action to stop the leak or otherwise prevent the significant release of Section 313 water priority chemicals to state waters or immediately shut down the unit or process until such action can be taken.

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- (D) When a leak or noncontainment of a Section 313 water priority chemical has occurred, the permittee shall promptly remove and dispose contaminated soil, debris, or other material in accordance with federal, state, and local requirements and as described in the storm water pollution control plan.
- (8) The permittee shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge from the facility. The permittee shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings in the storm water pollution control plan.
- (9) The permittee shall train and inform employees and contractor personnel that work in areas where Section 313 water priority chemicals are used or stored on preventive measures at the facility.
- (A) The permittee shall conduct employee training at intervals specified in the storm water pollution control plan, but not less than once a year, in matters of pollution laws and regulations, and in the storm water pollution control plan and the particular features of the facility and its operation which are designed to minimize discharges of Section 313 water priority chemicals.

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- (B) The permittee shall designate and include in the storm water pollution control plan a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of a Section 313 water priority chemical can occur.
 - (C) The permittee shall inform contractors or temporary personnel of plant operation and design features in order to prevent discharges or spills from occurring.
- (10) The permittee shall have the storm water pollution control plan for a facility subject to Superfund Amendments and Reauthorization Act, Title III, Section 313 requirements for chemicals which are classified as "Section 313 water priority chemicals" reviewed and certified by a licensed professional engineer. The permittee shall have the licensed professional engineer recertify the storm water pollution control plan every three years thereafter or as soon as practical after significant modifications are made to the facility. The licensed professional engineer, having examined the facility and being familiar with the provisions of this part, shall attest that the storm water

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pollution control plan has been prepared in accordance with good engineering practices. The certification shall in no way relieve the permittee of a facility covered by the storm water pollution control plan of their duty to prepare and fully implement the storm water pollution control plan.

- (c) "Section 313 water priority chemical" means a chemical or chemical categories which:
 - (1) Are listed at 40 CFR §372.65 under Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 also titled the Emergency Planning and Community Right-to-Know Act;
 - (2) Are present at or above threshold levels at a facility subject to Superfund Amendments and Reauthorization Act, Title III, Section 313 reporting requirements; and
 - (3) Meet at least one of the following criteria:
 - (A) Are listed in Appendix D of 40 CFR §122 on either Table II (organic priority pollutants), Table III (certain metals, cyanide, and phenols) or Table V (certain toxic pollutants and hazardous substances);
 - (B) Are listed as a hazardous substance under Section 311(b)(2)(A) of the Act at 40 CFR §116.4; or

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- (C) Are pollutants for which the EPA has published acute or chronic water quality criteria.

8. Storm Water Discharge Limitations and Monitoring Requirements

- (a) The storm water discharge shall be limited and monitored by the permittee as specified in this section and in Table 34.1. (Daily maximum storm water discharge limitations for saline water apply only when discharges to saline water occur and daily maximum storm water discharge limitations for fresh water apply only when discharges to fresh water occur.)

(1) Sampling Points

The permittee shall monitor the storm water outfalls, prior to mixing with receiving state water or entering separate storm water drainage systems, as identified in the storm water pollution control plan.

(2) Collection of Samples

- (A) The permittee shall collect samples from a discharge resulting from a representative storm event as defined in section 11-55-01.
- (B) The permittee shall take samples and measurements for the purposes of monitoring which are representative of the volume and nature of the total discharge.

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(3) Types of Samples

Definitions for grab sample and composite sample are in note {2} of Table 34.1.

(4) Test Procedures

- (A) The permittee shall use test procedures for the analysis of pollutants which conform with regulations published under Section 304(h) of the Act.
- (B) Unless otherwise noted in this general permit, the permittee shall measure all pollutant parameters in accordance with methods prescribed in 40 CFR Part 136, promulgated under Section 304(h) of the Act. The permittee may submit applications for the use of alternative test methods in accordance with 40 CFR Section 136.4.
- (C) The permittee shall use test methods with detection limitations that reflect the applicable numerical limitations as specified in chapter 11-54. If the test result is not detectable, indicate that the test result is "less than #," where the # is the lowest detection limit of the test method used.

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(5) Recording of Results

The permittee shall comply with section 14(c) of appendix A of chapter 11-55 for each measurement or sample taken under the requirements of this general permit.

(6) Quantity of Flow

The permittee shall estimate or calculate the quantity of storm water discharged and submit the calculations.

(b) Basic Water Quality Criteria and Inspections

- (1) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-04.
- (2) The permittee shall timely inspect the receiving state waters, storm water runoff, control measures, and best management practices to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 11-54-04. (e.g., the permittee shall look at the storm water discharge and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)

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(c) Storm Event Information

The permittee shall collect the following information for the storm event monitored:

- (1) Date, duration (in hours), and starting and ending times of the storm event; and
- (2) Duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch) rainfall event.

9. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-04.

10. Reporting Requirements

(a) Reporting of Monitoring Results

- (1) The permittee shall report monitoring results on a discharge monitoring report form (EPA No. 3320-1). The permittee shall submit results of all monitoring required by this general permit in a format that demonstrates compliance with the limitations in Table 34.1 and other requirements of this general permit.
- (2) The permittee shall submit monitoring results at least annually and the results shall be postmarked no later than sixty days after the end of each monitoring year. The monitoring year shall start on the effective date of this general permit or the issuance date

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of the notice of general permit coverage or other date specified by the director in written correspondence to the permittee.

- (3) The permittee shall also submit the monitoring results with laboratory reports, including quality assurance/quality control data; storm water flow calculations; date, duration, starting and ending times of the storm event; date of the previous 0.1 inch rainfall event; and any additional pollutant control strategies to be implemented based on monitoring results.
 - (4) Should there be no discharges during the monitoring period, the discharge monitoring report form shall so state.
- (b) Additional Monitoring by the Permittee
- If the permittee monitors any pollutant at location(s) designated herein more frequently than required by this general permit, using approved analytical methods as specified in section 8(a)(4)(B), the permittee shall include the results of this monitoring in the calculation and reporting of the values required in the discharge monitoring report form. The permittee shall also indicate the increased frequency.
- (c) Reporting of Noncompliance, Unanticipated Bypass, or Upset
- (1) The permittee or its duly authorized representative shall orally report any of the following when the permittee or

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its duly authorized representative becomes aware of the circumstances:

- (A) Violation of a storm water discharge limitation specified in Table 34.1 or a basic water quality criterion specified in section 8;
 - (B) Discharge or noncompliance with storm water discharge limitations which may endanger health or the environment; or
 - (C) Unanticipated bypass or upset.
- (2) The permittee shall make oral reports by telephone to the Clean Water Branch at (808) 586-4309 during regular office hours which are Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m. or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.
- (3) The permittee shall provide a written report within five days of the time the permittee or its duly authorized representative becomes aware of the circumstances. The written report shall include the following:
- (A) Description of the noncompliance, unanticipated bypass, or upset and its cause;
 - (B) Period of noncompliance, unanticipated bypass, or upset including exact dates and times;

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- (C) Estimated time the noncompliance, unanticipated bypass, or upset is expected to continue if it has not been corrected; and
 - (D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.
- (4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.
- (d) Planned Changes

The permittee shall report any planned physical alterations or additions to the permitted facility, not covered by 40 CFR §122.41(l)(1)(i), (ii), and (iii) to the director on a quarterly basis.

11. Submittal Requirements

- (a) The owner or its duly authorized representative shall submit signed copies of monitoring and all other reports required by this general permit to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

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- (b) The owner or its duly authorized representative shall include the following certification statement and signature on each submittal in accordance with section 11-55-07(b):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

- (c) The owner or its duly authorized representative shall include the notice of general permit coverage file number on each submittal. Failure to provide the assigned general permit file number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).

12. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

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13. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

14. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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TABLE 34.1

LIMITATIONS AND MINIMUM MONITORING REQUIREMENTS FOR
STORM WATER DISCHARGES

Storm Water Discharge Parameter	Storm Water Discharge Limitation {1}	Minimum Monitoring Frequency	Type of Sample {2}
Quantity of Discharge (gallons)	{3}	Annually	Calculated or Estimated
Biochemical Oxygen Demand (5-day) (mg/l)	{3}	Annually	Grab/Composite
Chemical Oxygen Demand (mg/l)	{3}	Annually	Grab/Composite
Total Suspended Solids (mg/l)	{3}	Annually	Grab/Composite
Total Phosphorus (mg/l)	{3}	Annually	Grab/Composite
Total Nitrogen {4} (mg/l)	{3}	Annually	Grab/Composite
Nitrate+Nitrite Nitrogen (mg/l)	{3}	Annually	Grab/Composite
Oil and Grease (mg/l)	15	Annually	Grab {5}
pH (standard units)	{6}	Annually	Grab {7}
Toxic Pollutants {8}	{9}	Annually	{10}

mg/l = milligrams per liter

NOTES:

{1} Pollutant concentration levels shall not exceed
the storm water discharge limits or be outside the

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ranges indicated in the table. Actual or measured levels which exceed those storm water discharge limits or are outside those ranges shall be reported to the director as required in section 10(c) of this general permit.

- {2} The permittee shall collect samples for analysis from a discharge resulting from a representative storm. A representative storm means a rainfall that accumulates more than 0.1 inch of rain and occurs at least seventy-two hours after the previous measurable (greater than 0.1 inch) rainfall event.

The permittee shall collect samples for analysis during the first fifteen minutes of the discharge and at fifteen-minute intervals thereafter for the duration of the discharge. If the discharge lasts for over an hour, the permittee may cease sample collection.

The permittee shall analyze the sample collected during the first fifteen minutes as a grab sample. If two or more samples are collected, the permittee shall analyze the samples as a composite sample.

"Composite sample" means a combination of at least two sample aliquots, collected at periodic intervals. The composite shall be flow proportional; either the time interval between each aliquot or the volume of each aliquot shall be proportional to the total storm water discharge flow since the collection of the previous aliquot. The permittee may collect aliquots manually or automatically.

- {3} No limitation at this time. Only monitoring and reporting is required.

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- {4} The total nitrogen parameter is a measure of all nitrogen compounds in the sample (nitrate, nitrite, ammonia, dissolved organic nitrogen, and organic matter present as particulates).
- {5} The permittee shall measure oil and grease using EPA Method 1664, Revision A.
- {6} The pH value shall not be outside the range as specified in chapter 11-54 for the applicable classification of the receiving state waters.
- {7} The permittee shall measure pH within fifteen minutes of obtaining the grab sample.
- {8} The permittee shall test for toxic pollutants, as identified in Appendix D of 40 CFR Part 122; in the Federal Register, Vol. 65, No. 210, pages 64800-64880, dated October 30, 2000; or in section 11-54-04, only if they are identified as potential pollutants requiring monitoring in the notice of intent or storm water pollution control plan or both. The permittee shall test for the total recoverable portion of all metals.
- {9} Storm water discharge limitations are the acute water quality standards established in section 11-54-04, for either fresh or saline waters. For pollutants which do not have established acute water quality standards, the permittee shall report any detected concentration greater than 0.01 µg/l.
- {10} The permittee shall test for cyanide and the volatile fraction of the toxic organic compounds using a grab sample. The permittee shall test for all other pollutants, as identified in Appendix D of 40 CFR Part 122; in Federal Register Vol. 65, No. 210, pages 64800-64880, dated

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October 30, 2000; or in section 11-54-04 using a composite sample.

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NPDES GENERAL PERMIT AUTHORIZING DISCHARGES OF STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITY

September 2002

1. Coverage under this General Permit
 - (a) Up through March 9, 2003, this general permit covers discharges composed entirely of storm water runoff associated with construction activities, including clearing, grading, and excavation, that result in the disturbance of five acres or more of total land area. This general permit also covers activities that disturb less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more of total land area.
 - (b) Effective March 10, 2003, this general permit covers discharges composed entirely of storm water runoff associated with construction activities, including clearing, grading, and excavation that result in the disturbance of one acre or more of total land area. This general permit also covers activities that disturb less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more of total land area.
 - (c) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the

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State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."

- (d) "Disturbance of land" refers to the penetration, turning, or moving of soil or resurfacing of pavement or the exposure of bare soil or ground surface, including the land surface exposed by construction roads, baseyards, headquarters, and parking areas. It does not include grass or weed cutting, bush or tree trimming or felling that leaves soil or ground intact. It includes "grubbing" in its normal meaning of the use of equipment to knock down and push vegetation out of the way, typically uprooting vegetation and disturbing the ground surface.

2. Limitations on Coverage under this General Permit

- (a) This general permit does not cover the following:
 - (1) Storm water discharges associated with construction activity which flow into a sanitary sewer system;
 - (2) Storm water discharges associated with construction activity that are regulated by existing individual permits;
 - (3) Storm water discharges in categories for which storm water discharge limitation guidelines have been promulgated by the EPA;
 - (4) Storm water discharges from a construction activity which initially enter separate storm water drainage

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systems, unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s);

- (5) Storm water discharges for which the director has issued a notice of general permit coverage under another general permit specific to that type of construction or industrial activity; and
 - (6) Storm water discharges that the director finds more appropriately regulated under an individual permit.
- (b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

3. Term of General Permit

- (a) This general permit becomes effective when section 11-55-34.02(b)(2) becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02(b)(2) are adopted, whichever is earlier.
- (b) A notice of general permit coverage under this general permit expires:
 - (1) Five years after the effective date of this general permit;

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- (2) When the notice of general permit coverage specifies; or
- (3) When amendments to section 11-55-34.02(b)(2) are adopted,

whichever is earliest, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

4. Notice of Intent Requirements

- (a) The owner or its duly authorized representative shall submit a complete notice of intent no later than thirty days before the proposed starting date of the construction activity or thirty days before the expiration date of the applicable notice of general permit coverage.
- (b) The owner or its duly authorized representative shall include the following information in the notice of intent:
 - (1) Information required in section 34 of appendix A of chapter 11-55;
 - (2) Construction site best management practices plan containing, at a minimum, the following information:
 - (A) Site characterization report which describes at a minimum, the history of the land use at the proposed construction site, the potential pollution source(s) in the history and from the operation of the proposed construction activity, the potential pollutant(s) present at

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the existing site, and any proposed corrective measures;

- (B) Description of the nature of the construction activity, including a proposed timetable for major activities with the date when the contractor will begin the site disturbance;
- (C) Total area of the site and the area of the site that is expected to be disturbed, including clearing, grading, excavation, staging or any combination of the above;
- (D) Quantity of storm water runoff, with supporting calculations;
- (E) Description of the nature of the fill material to be used and existing data describing the soil or the quality of any discharge from the site;
- (F) Site map showing, at a minimum:
approximate slopes anticipated after major grading activities;
areas of soil disturbance; drainage patterns; areas used for the storage of soils or wastes; the location where stabilization practices are expected to occur; the location of all structural controls; the areas where vegetative practices are to be implemented; the location of impervious structures (including buildings, roads, parking lots,

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etc.) after construction is completed; wetlands and other state water(s); and the boundaries of 100-year flood plains, if determined. A site-specific site map shall be submitted at least thirty days before the start of construction activities;

- (G) Descriptions of construction management techniques, vegetation controls, and structural controls. At a minimum, the requirement listed in section 11 of this general permit must be addressed;
- (H) A county-approved erosion and sediment control plan as appropriate for the activity and a schedule for implementing each control shall be submitted to the director with the notice of intent or thirty days before the start of construction activities. Construction may start before the end of the thirty day period as soon as the department accepts the county-approved erosion and sediment control plan;
- (I) Site-specific plan to minimize erosion of soil and discharge of other pollutants into state waters, including removal procedures for the construction site best management practices, shall be submitted to the director with the notice of intent or thirty days before the start of construction

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activities. The plan must be signed in accordance with section 11-55-34.08(e) and be kept at the construction site;

- (J) Descriptions of measures that will minimize the discharge of pollutants via storm water discharges after construction operations have been finished. Examples include: open, vegetated swales and natural depressions; structures for storm water retention, detention, or recycle; velocity dissipation devices to be placed at the outfalls of detention structures or along with the length of outfall channels; and other appropriate measures; and
 - (K) The identification of all non-storm water sources that connect to the storm water drainage system and non-storm water pollution prevention measures that will be implemented during construction.
- (c) The director may require additional information to be submitted.
 - (d) The owner or its duly authorized representative shall submit a complete notice of intent to the director at the following address or as otherwise specified:

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Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

6. Implementation of the Construction Site Best Management Practices Plan

- (a) The permittee shall design, operate, implement, and maintain the construction site best management practices plan to ensure that storm water discharges associated with construction activities will not cause or contribute to a violation of applicable state water quality standards.
- (b) The permittee shall implement the construction site best management practices plan as often as needed to improve the quality of storm water discharges or when instructed by the director.

7. Basic Water Quality Criteria and Inspections

- (a) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-04.

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- (b) The permittee shall timely inspect the receiving state waters, storm water runoff and control measures and best management practices to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in 11-54-04. (e.g., the permittee shall look at storm water discharges and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)

8. Corrective Action

The permittee shall immediately stop, reduce, or modify construction, or implement new or revised best management practices as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-04.

9. Reporting Requirements

The permittee shall immediately notify the director of the incident and identify the pollutant(s) source(s) and the proposed and implemented control or mitigative measures as required in section 16 of appendix A of chapter 11-55.

10. Submittal Requirements

- (a) The owner or its duly authorized representative shall submit signed copies of all reports required by this general permit

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to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

- (b) The owner or its duly authorized representative shall include the following certification statement and signature on each submittal in accordance with section 11-55-07(b):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

- (c) The owner or its duly authorized representative shall include the notice of general permit coverage file number on each submittal. Failure to provide the assigned general permit file number for this facility on future correspondence or submittals may be

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a basis for delay of the processing of the document(s).

11. Special Conditions for Land Disturbances

The following special conditions apply to all land disturbance work conducted under this general permit:

(a) Construction Management Techniques

- (1) Clearing and grubbing shall be held to the minimum necessary for grading and equipment operation.
- (2) Construction shall be sequenced to minimize the exposure time of the cleared surface area.
- (3) Construction shall be staged or phased for large projects. Areas of one phase shall be stabilized before another phase is initiated. Stabilization shall be accomplished by temporarily or permanently protecting the disturbed soil surface from rainfall impacts and runoff.
- (4) Erosion and sediment control measures shall be in place and functional before earth moving operations begin. These measures shall be properly constructed and maintained throughout the construction period.
- (5) All control measures shall be checked and repaired as necessary, for example, weekly in dry periods and within twenty-four hours after any rainfall of 0.5

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inches or greater within a 24-hour period. During prolonged rainfall, daily checking is necessary. The permittee shall maintain records of checks and repairs.

- (6) The permittee shall maintain records of the duration and estimated volume of storm water discharge(s).
- (7) A specific individual shall be designated to be responsible for erosion and sediment controls on each project site.

(b) Vegetation Controls

- (1) Pre-construction vegetative ground cover shall not be destroyed, removed, or disturbed more than twenty calendar days prior to land disturbance.
- (2) Temporary soil stabilization with appropriate vegetation shall be applied on areas that will remain unfinished for more than thirty calendar days.
- (3) Permanent soil stabilization with perennial vegetation or pavement shall be applied as soon as practical after final grading. Irrigation and maintenance of the perennial vegetation shall be provided for thirty calendar days or until the vegetation takes root, whichever is shorter.

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(c) Structural Controls

- (1) Storm water flowing toward the construction area shall be diverted by using appropriate control measures, as practical.
- (2) Erosion control measures shall be designed according to the size of disturbed or drainage areas to detain runoff and trap sediment.
- (3) Water must be discharged in a manner that the discharge shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-04.

12. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

13. Record Retention

The permittee shall retain all records and information resulting from the activities required by this general permit for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

14. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the

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imposition of criminal penalties as provided for
in Section 309 of the Act and in section 342D-35,
HRS.

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NPDES GENERAL PERMIT AUTHORIZING DISCHARGES OF TREATED EFFLUENT FROM LEAKING UNDERGROUND STORAGE TANK REMEDIAL ACTIVITIES

September 2002

1. Coverage under this General Permit
 - (a) This general permit covers only facilities where petroleum hydrocarbons have been released from underground storage tanks and the cleanup (or remedial action) involves a release or discharge of treated ground water to state waters.
 - (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."
2. Limitations on Coverage under this General Permit
 - (a) This general permit does not cover the following:
 - (1) Discharges of treated ground water into a sanitary sewer system and
 - (2) Discharges of treated ground water which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject

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discharge to enter their drainage system(s).

- (b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

3. Term of General Permit

- (a) This general permit becomes effective when section 11-55-34.02(b)(3) becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02(b)(3) are adopted, whichever is earlier.
- (b) A notice of general permit coverage under this general permit expires:
 - (1) Five years after the effective date of this general permit;
 - (2) When the notice of general permit coverage specifies; or
 - (3) When amendments to section 11-55-34.02(b)(3) are adopted,whichever is earliest, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

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4. Notice of Intent Requirements

- (a) The owner or its duly authorized representative shall submit a complete notice of intent no later than thirty days before the proposed starting date of the discharge or thirty days before the expiration date of the applicable notice of general permit coverage.
- (b) The owner or its duly authorized representative shall include the following information in the notice of intent:
 - (1) Information required in section 34 of appendix A of chapter 11-55;
 - (2) List of up to four Standard Industrial Classification codes or North American Industrial Classification System codes that best represent the products or activities of the facility;
 - (3) Quantitative data on pollutants that the owner or operator of the facility knows or reasonably should know are or will be present in the discharge and for which pollutants numerical criteria for the existing or proposed receiving state waters are specified in section 11-54-04;
 - (4) Treatment system operations plan which specifies the treatment system to be used and describes its operation in detail. If any treatment technology is being considered other than the Granular-Activated Carbon Process or the Air-Stripping Process, then additional

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technical information on the technology which is consistent with this permit shall be submitted to the director for review as soon as the decision for its use has been made. The treatment system operations plan shall include a contingency plan to be activated in the event of an emergency; provisions for system shut-down and any other measures for the protection of health and safety of employees and the public; a sampling plan; and a detailed schedule for sampling and analysis of the treated groundwater. The treatment system operations plan shall be modified as required by the director;

- (5) Certification report certifying the adequacy of each component of the proposed treatment facility along with the associated treatment system operations plan. The certification report shall describe accepted engineering practice of how the process and physical design of the treatment facilities will ensure compliance with this general permit. The design engineer's signature and professional engineering license number shall be placed on the report. Each report shall also certify that:
 - (A) All of the treatment facility's startup and operation instruction manuals are adequate and available to operating personnel;
 - (B) All treatment facility maintenance and testing schedules are included

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in the treatment facility
treatment system operations plan;
and

- (C) Effluent sampling locations and ports are located in areas where samples representative of the waste stream to be monitored can be obtained.
- (6) The average and maximum daily flow rates of effluent discharge; and
- (7) The best estimate of the date(s) on which the facility will begin and terminate the discharge.
- (c) The director may require additional information to be submitted.
- (d) The owner or its duly authorized representative shall submit a complete notice of intent to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard

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general permit conditions, the more stringent conditions shall apply.

6. Effluent Limitations and Monitoring Requirements

- (a) The effluent shall be limited and monitored by the permittee as specified in this section and in Table 34.2. (Daily maximum effluent limitations for saline water apply only when discharges to saline water occur and daily maximum effluent limitations for fresh water apply only when discharges to fresh water occur.)

(1) Sampling Point

The permittee shall collect representative discharge samples at the nearest accessible point after final treatment and prior to actual discharge or mixing with the receiving state waters.

(2) Collection of Samples

The permittee shall take samples and measurements for the purposes of monitoring which are representative of the volume and nature of the total discharge.

(3) Types of Samples

- (A) "Grab sample" means an individual sample collected within the first fifteen minutes of a discharge.
- (B) "Composite sample" means a combination of a least eight

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samples aliquots, collected at periodic intervals during the operating hours of the facility over a 24-hour period. The composite shall be flow proportional; either the time interval between each aliquot or the volume of each aliquot shall be proportional to the total effluent flow since the collection of the previous aliquot. The permittee may collect aliquots manually or automatically.

(4) Test Procedures

- (A) The permittee shall use test procedures for the analysis of pollutants which conform with regulations published under Section 304(h) of the Act.
- (B) Unless otherwise noted in this general permit, the permittee shall measure all pollutant parameters in accordance with methods prescribed in 40 CFR Part 136, promulgated under Section 304(h) of the Act. The permittee may submit applications for the use of alternative test methods in accordance with 40 CFR Section 136.4.
- (C) The permittee shall use test methods with detection limits that reflect the applicable numerical limitations as specified in chapter 11-54. If the test result is not

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detectable, indicate that the test result is "less than #," where the # is the lowest detection limit of the test method used.

(5) Recording of Results

The permittee shall comply with section 14(c) of appendix A of chapter 11-55 for each measurement or sample taken under the requirements of this general permit.

(b) Basic Water Quality Criteria and Inspections

- (1) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-04.
- (2) The permittee shall timely inspect the receiving state waters, effluent, and control measures and best management practices to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in 11-54-04. (e.g., the permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)

- (c) There shall be no visible oil sheen in the effluent.

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- (d) The permittee shall take all reasonable steps to minimize or prevent any discharge, use, or disposal of sludge or sediments in violation of this general permit or applicable law. Sludge, sediments, or any other material generated by any treatment process must be disposed of in a manner which prevents its entrance into or pollution of any state waters. Additionally, the disposal of such sludge or other material shall be in compliance with 40 CFR Parts 501 and 503.
- 7. Whole Effluent Toxicity Limitations And Monitoring Requirements
 - (a) Monitoring Requirements
 - (1) The permittee shall conduct, or have a contract laboratory conduct, monthly static or flow-through acute bioassays on composite effluent samples in accordance with the methods described in Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms (EPA 600/4-90/027F, August 1993).
 - (2) Tests shall be conducted in one hundred per cent effluent for a period of ninety-six hours unless the methods specify a shorter period for a definitive test for a particular species (e.g. forty-eight hours for ceriodaphnia dubia).
 - (3) If the permittee uses static tests, the daily renewal solutions shall be fresh 24-hour composite samples. The permittee may conduct tests using

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locally available species at ambient temperature.

- (4) Test results for each species used shall be reported on the permittee's monthly discharge monitoring report form. Results shall be reported as per cent survival with respect to controls.
- (5) If necessary, the permittee may adjust the salinity of a discharge using salts to allow testing with marine species.

(b) Species Selection

- (1) The permittee shall select three species for monitoring from the EPA manual identified in section 7(a)(1). The Permittee may use *ceriodaphnia dubia* (life stage - 24 hours) in freshwater only. The permittee shall submit the selection to the director for approval within thirty days after receiving written approval from the director to perform acute toxicity tests.
- (2) The permittee shall obtain written approval from the director before changing any of the three selected species after the initial notification.
- (3) The permittee shall conduct monitoring, at a minimum, on one of the three selected species each month. The permittee shall rotate the three selected species on a monthly basis.

(c) Preparation of Initial Investigation Toxicity Reduction Evaluation Workplan

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The Permittee shall submit to the director an initial investigation toxicity reduction evaluation workplan (approximately one to two pages) within one hundred twenty days after the issuance date of the notice of general permit coverage, the date the permittee claimed automatic coverage as specified in section 11-55-34.09(e)(2), or the date the facility begins operations. This workplan shall describe steps which the permittee intends to follow in the event that toxicity is detected, and should include at a minimum the following information:

- (1) Description of the investigation and evaluation techniques that would be used to identify potential causes or sources or both of toxicity, effluent variability, treatment system efficiency;
 - (2) Description of the facility's method of maximizing in-house treatment efficiency, good housekeeping practices, and a list of all chemicals used in operation of the facility; and
 - (3) If a toxicity identification evaluation is necessary, who (e.g., contract laboratory, etc.) will conduct the toxicity identification evaluation.
- (d) Additional Toxicity Testing
- (1) If toxicity is detected, then the permittee shall conduct six additional weekly tests. Effluent sampling for the first test of the six additional tests shall begin within approximately twenty-

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four hours of receipt of the test results exceeding a toxicity discharge limitation;

- (2) However, if implementation of the initial investigation toxicity reduction evaluation workplan indicates the source of toxicity (e.g., a temporary plant upset, etc.), then the permittee shall conduct only the first test of the six additional tests required above. If toxicity is not detected in this first test, the permittee may return to the normal sampling frequency as specified in Table 34.2. If toxicity is detected in this first test, then section 7(e) of this general permit shall apply.
 - (3) If toxicity is not detected in any of the six additional tests required above, then the permittee may return to the normal sampling frequency as specified in Table 34.2.
- (e) Toxicity Reduction Evaluation/Toxicity Identification Evaluation
- (1) If toxicity is detected in any of the six additional tests, then, based on an evaluation of the test results and additional available information, the director may determine that the permittee shall initiate a toxicity reduction evaluation, in accordance with the permittee's initial investigation toxicity reduction evaluation workplan and *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants* (EPA 833-B-99-002,

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1999). Moreover, the permittee shall develop a detailed toxicity reduction evaluation workplan which includes:

- (A) Further actions to investigate and identify the cause(s) of toxicity;
- (B) Actions the permittee has taken or will take to mitigate the impact of the discharge, to correct the noncompliance, and to prevent the recurrence of toxicity;
- (C) A schedule under which these actions will be implemented;

and shall submit this workplan to the director for approval.

- (2) As part of this toxicity reduction evaluation process, the permittee may initiate a toxicity identification evaluation using the test methods manuals, EPA/600/6-91/005F (Phase I), EPA/600/R-92/080 (Phase II), and EPA/600/R-92/081 (Phase III), to identify the cause(s) of toxicity.
- (3) If a toxicity reduction evaluation/toxicity identification evaluation is initiated prior to completion of the accelerated testing schedule required by section 7(d) of this general permit, then the accelerated testing schedule may be terminated, or used as necessary in performing the toxicity reduction evaluation/toxicity identification evaluation.

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(f) Reporting

- (1) The permittee shall submit a full report of toxicity test results, including any toxicity testing required by sections 7(d) and 7(e) of this general permit, with the discharge monitoring report for the month in which the toxicity tests are conducted. A full report shall consist of: toxicity test results; dates of sample collection and initiation of each toxicity test; and toxicity discharge limitation. Toxicity test results shall be reported according to the test methods manual chapter on report preparation.

If the initial investigation toxicity reduction evaluation workplan is used to determine that additional toxicity testing is unnecessary, these results shall be submitted with the discharge monitoring report for the month in which investigations conducted under the toxicity reduction evaluation workplan occurred.

- (2) Within fourteen days of receipt of test results exceeding a toxicity discharge limitation, the permittee shall provide to the director written notification of:
 - (1) Findings of the toxicity reduction evaluation or other investigation to identify the cause(s) of toxicity;
 - (2) Actions the permittee has taken or will take, to mitigate the impact

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of the discharge and to prevent the recurrence of toxicity;

- (3) When corrective actions, including a toxicity reduction evaluation, have not been completed, a schedule under which corrective actions will be implemented; or
- (4) The reason for not taking corrective action, if no action has been taken.

8. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-04.

9. Reporting Requirements

(a) Reporting of Monitoring Results

- (1) The permittee shall report monitoring results on a discharge monitoring report form (EPA No. 3320-1). The permittee shall submit results of all monitoring required by this general permit in a format that demonstrates compliance with the limitations in Table 34.2 and other requirements of this general permit.
- (2) The permittee shall submit monitoring results obtained during the previous calendar month, postmarked no later than the twenty-eighth day of the month following the completed reporting period.

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- (3) The permittee shall also submit the monitoring results with laboratory reports, including quality assurance/quality control data; effluent flow calculations; and any additional treatment strategies to be implemented based on monitoring results.
 - (4) Should there be no discharges during the monitoring period, the discharge monitoring report form shall so state.
- (b) Additional Monitoring by the Permittee
- If the permittee monitors any pollutant at location(s) designated herein more frequently than required by this general permit, using approved analytical methods as specified in section 6(a)(4)(B), the permittee shall include the results of this monitoring in the calculation and reporting of the values required in the discharge monitoring report form. The permittee shall also indicate the increased frequency.
- (c) Reporting of Noncompliance, Unanticipated Bypass, or Upset
- (1) The permittee or its duly authorized representative shall orally report any of the following when the permittee or its duly authorized representative becomes aware of the circumstances:
 - (A) Violation of an effluent limitation specified in Table 34.2 or a basic water quality criterion specified in section 6;

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- (B) Discharge or noncompliance with effluent limitations which may endanger health or the environment; or
 - (C) Unanticipated bypass or upset.
- (2) The permittee shall make oral reports by telephone to the Clean Water Branch at (808) 586-4309 during regular office hours which are Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m. or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.
- (3) The permittee shall provide a written report within five days of the time the permittee or its duly authorized representative becomes aware of the circumstances. The written report shall include the following:
 - (A) Description of the noncompliance, unanticipated bypass, or upset and its cause;
 - (B) Period of noncompliance, unanticipated bypass, or upset including exact dates and times;
 - (C) Estimated time the noncompliance, unanticipated bypass, or upset is expected to continue if it has not been corrected; and
 - (D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence

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of the noncompliance, unanticipated bypass, or upset.

- (4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

(d) Planned Changes

The permittee shall report any planned physical alterations or additions to the permitted facility, not covered by 40 CFR §122.41(l)(1)(i), (ii), and (iii) to the director on a quarterly basis.

(e) Reporting of Chemical Uses

The permittee shall submit to the director by the twenty-eighth of January of each year an annual summary of the quantities of all chemicals (including the material safety data sheet), listed by both chemical and trade names, which are used in ground water treatment and which are discharged.

(f) Schedule of Maintenance

The permittee shall submit a schedule for approval by the director at least fourteen days prior to any maintenance of facilities which might result in exceedance of effluent limitations. The schedule shall include a description of the maintenance and its reason; the period of maintenance, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent occurrence of noncompliance.

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10. Submittal Requirements

- (a) The owner or its duly authorized representative shall submit signed copies of monitoring and all other reports required by this general permit to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

- (b) The owner or its duly authorized representative shall include the following certification statement and signature on each submittal in accordance with section 11-55-07(b):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

- (c) The owner or its duly authorized representative shall include the notice of

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general permit coverage file number on each submittal. Failure to provide the assigned general permit file number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).

11. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

12. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

13. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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TABLE 34.2

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR
DISCHARGE OF TREATED EFFLUENT FROM
LEAKING UNDERGROUND STORAGE TANK REMEDIAL ACTIVITIES

Effluent Parameter	Effluent Limitations {1}		Monitoring Requirements	
	For Saline Water	For Fresh Water	Minimum Frequency	Type of Sample
Flow (GPD)	{2}	{2}	Continuous	Calculated or Estimated
Total Petroleum Hydrocarbons as Gasoline (mg/l) {3}	{2}	{2}	Weekly	Grab
Total Petroleum Hydrocarbons as Diesel (mg/l) {3}	{2}	{2}	Weekly	Grab
Benzene (mg/l) {4}	1.7	1.8	Weekly	Grab
Toluene (mg/l) {4}	2.1	5.8	Weekly	Grab
Xylenes (mg/l) {4}	{2}	{2}	Weekly	Grab
Ethylbenzene (mg/l) {4}	0.14	11	Weekly	Grab
Lead (mg/l) {5}	0.14	0.029	Weekly	Grab
Organic Lead (mg/l){6}	{2}	{2}	Weekly	Grab
pH (standard units)	{7}		Weekly	Grab {8}
Whole Effluent Toxicity	80% survival in 100% effluent {9}		Monthly	Composite

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GPD = gallons per day
mg/l = milligrams per liter

NOTES:

- {1} Pollutant concentration levels shall not exceed the effluent limits or be outside the ranges indicated in the table. Actual or measured levels which exceed those effluent limits or are outside those ranges shall be reported to the director as required in section(9(c) of this general permit.
- {2} No limitation at this time. Only monitoring and reporting is required.
- {3} EPA methods 5030/8015 shall be used for measurement of Total Petroleum Hydrocarbons as Gasoline and EPA methods 3550/8015 shall be used for measurement of Total Petroleum Hydrocarbons as Diesel.
- {4} EPA methods 5030/8015, or 5030/8020, or 5030/8240, or 602, or 624, shall be used for measurement of benzene, ethylbenzene, and toluene. EPA method 8240, or an equivalent method, shall be used for the measurement of xylenes.
- {5} The permittee shall test for the total recoverable lead.
- {6} The method for measuring for organic lead shall be the one referenced in the State of Hawaii's Technical Guidance Manual for Underground Storage Tank Closure and Release Response (March 2000).
- {7} The pH value shall not be outside the range as specified in chapter 11-54 for the applicable classification of the receiving state waters.

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- {8} The permittee shall measure pH within fifteen minutes of obtaining the grab sample.
- {9} Whole Effluent Toxicity testing shall be performed in accordance with the provisions of section 7 of this general permit.

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NPDES GENERAL PERMIT AUTHORIZING DISCHARGES OF ONCE THROUGH COOLING WATER LESS THAN ONE (1) MILLION GALLONS PER DAY

September 2002

1. Coverage under this General Permit
 - (a) This general permit covers only once through cooling water discharges of a total flow of less than one million gallons per day (mgd) to state waters. "Once through cooling water" means water passed through the main cooling condensers one or two times for the purpose of removing waste heat.
 - (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."
2. Limitations on Coverage under this General Permit
 - (a) This general permit does not cover the following:
 - (1) Discharges of once through cooling water into a sanitary sewer system and
 - (2) Discharges of once through cooling water which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject

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discharge to enter their drainage system(s).

- (b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

3. Term of General Permit

- (a) This general permit becomes effective when section 11-55-34.02(b)(4) becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02(b)(4) are adopted, whichever is earlier.
- (b) A notice of general permit coverage under this general permit expires:
 - (1) Five years after the effective date of this general permit;
 - (2) When the notice of general permit coverage specifies; or
 - (3) When amendments to section 11-55-34.02(b)(4) are adopted,whichever is earliest, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

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4. Notice of Intent Requirements

- (a) The owner or its duly authorized representative shall submit a complete notice of intent no later than thirty days before the proposed starting date of the discharge or thirty days before the expiration date of the applicable notice of general permit coverage.
- (b) The owner or its duly authorized representative shall include the following information in the notice of intent:
 - (1) Information required in section 34 of appendix A of chapter 11-55;
 - (2) List of up to four Standard Industrial Classification codes or North American Industrial Classification System codes that best represent the products or activities of the facility;
 - (3) The average frequency of flow and duration of any intermittent or seasonal discharge. The frequency of flow means the number of days or months per year when there is an intermittent discharge. Duration means the number of days or hours per discharge. The owner or its duly authorized representative shall provide the best estimate for new discharges;
 - (4) Source(s) of the once-through cooling water;

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- (5) Quantitative data of the pollutant or parameter as specified in 40 CFR Part 122.21(h)(4)(i);
 - (6) The name of the cooling water additives, if any used;
 - (7) The best estimate of the date on which the facility will begin to discharge; and
 - (8) A brief description of any treatment system used or to be used.
- (c) The director may require additional information to be submitted.
- (d) The owner or its duly authorized representative shall submit a complete notice of intent to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

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6. Effluent Limitations and Monitoring Requirements

- (a) The effluent shall be limited and monitored by the permittee as specified in this section and in Table 34.3. (Daily maximum effluent limitations for saline water apply only when discharges to saline water occur and daily maximum effluent limitations for fresh water apply only when discharges to fresh water occur.)

(1) Sampling Points

Samples taken in compliance with the monitoring requirements shall be taken at the following point(s):

- (A) The permittee shall collect influent samples downstream from any additions to the source water and prior to the cooling system.
- (B) The permittee shall collect effluent samples downstream from the cooling system and prior to actual discharge or mixing with the receiving state waters.

(2) Collection of Samples

The permittee shall take samples and measurements for the purposes of monitoring which are representative of the volume and nature of the total discharge.

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(3) Type of Sample

"Grab sample" means an individual sample collected within the first fifteen minutes of a discharge.

(4) Test Procedures

- (A) The permittee shall use test procedures for the analysis of pollutants which conform with regulations published under Section 304(h) of the Act.
- (B) Unless otherwise noted in this general permit, the permittee shall measure all pollutant parameters in accordance with methods prescribed in 40 CFR Part 136, promulgated under Section 304(h) of the Act. The permittee may submit applications for the use of alternative test methods in accordance with 40 CFR Section 136.4.
- (C) The permittee shall use test methods with detection limits that reflect the applicable numerical limitations as specified in chapter 11-54. If the test result is not detectable, indicate that the test result is "less than #," where the # is the lowest detection limit of the test method used.

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(5) Recording of Results

The permittee shall comply with section 14(c) of appendix A of chapter 11-55 for each measurement or sample taken under the requirements of this general permit.

(b) Basic Water Quality Criteria and Inspections

- (1) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-04.
- (2) The permittee shall timely inspect the receiving state waters, effluent, and control measures and best management practices to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in 11-54-04. (e.g., the permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)
- (c) The date, duration (in hours), starting and ending times, and volume of each discharge shall be collected for intermittent discharges.
- (d) There shall be no visible oil sheen in the effluent.

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- (e) There shall be no discharge of waste from the physical cleaning of the cooling system.
- (f) There should be no discharge of compounds used in closed-loop systems.

7. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-04.

8. Reporting Requirements

(a) Reporting of Monitoring Results

- (1) The permittee shall report monitoring results on a discharge monitoring report form (EPA No. 3320-1). The permittee shall submit results of all monitoring required by this general permit in a format that demonstrates compliance with the limitations in Table 34.3 and other requirements of this general permit.
- (2) The permittee shall submit monitoring results obtained during the previous calendar month postmarked no later than the twenty-eighth day of the month following the completed reporting period.
- (3) The permittee shall also submit the monitoring results with laboratory reports, including quality assurance/quality control data; influent and effluent flow calculations; and any

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additional treatment strategies to be implemented based on monitoring results.

- (4) Should there be no discharges during the monitoring period, the discharge monitoring report form shall so state.

(b) Additional Monitoring by the Permittee

If the permittee monitors any pollutant at location(s) designated herein more frequently than required by this general permit, using approved analytical methods as specified in section 6(a)(4)(B), the permittee shall include the results of this monitoring in the calculation and reporting of the values required in the discharge monitoring report form. The permittee shall also indicate the increased frequency.

(c) Reporting of Noncompliance, Unanticipated Bypass, or Upset

- (1) The permittee or its duly authorized representative shall orally report any of the following when the permittee or its duly authorized representative becomes aware of the circumstances:
 - (A) Violation of an effluent limitation specified in Table 34.3 or a basic water quality criterion specified in section 6;
 - (B) Discharge or noncompliance with effluent limitations which may endanger health or the environment;
or

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- (C) Unanticipated bypass or upset.
- (2) The permittee shall make oral reports by telephone to the Clean Water Branch at (808) 586-4309 during regular office hours which are Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m. or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.
- (3) The permittee shall provide a written report within five days of the time the permittee or its duly authorized representative becomes aware of the circumstances. The written report shall include the following:
 - (A) Description of the noncompliance, unanticipated bypass, or upset and its cause;
 - (B) Period of noncompliance, unanticipated bypass, or upset including exact dates and times;
 - (C) Estimated time the noncompliance, unanticipated bypass, or upset is expected to continue if it has not been corrected; and
 - (D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.
- (4) The director may waive the written report on a case-by-case basis if the

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oral report has been received within twenty-four hours.

(d) Planned Changes

The permittee shall report any planned physical alterations or additions to the permitted facility, not covered by 40 CFR §122.41(l)(1)(i), (ii), and (iii) to the director on a quarterly basis.

(e) Reporting of Chemical Uses

The permittee shall submit to the director by the twenty-eighth of January of each year an annual summary of the quantities of all chemicals (including the material safety data sheet), listed by both chemical and trade names, which are used in once through cooling water treatment and which are discharged.

(f) Schedule of Maintenance

The permittee shall submit a schedule for approval by the director at least fourteen days prior to any maintenance of facilities, which might result in exceedance of effluent limitations. The schedule shall include a description of the maintenance and its reason; the period of maintenance, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent occurrence of noncompliance.

9. Submittal Requirements

- (a) The owner or its duly authorized representative shall submit signed copies of monitoring and all other reports required by

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this general permit to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

- (b) The owner or its duly authorized representative shall include the following certification statement and signature on each submittal in accordance with section 11-55-07(b):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

- (c) The owner or its duly authorized representative shall include the notice of general permit coverage file number on each submittal. Failure to provide the assigned general permit file number for this facility on future correspondence or submittals may be

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a basis for delay of the processing of the document(s).

10. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

11. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

12. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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TABLE 34.3

EFFLUENT LIMITATION AND MONITORING REQUIREMENTS
FOR DISCHARGE OF ONCE THROUGH COOLING WATER
LESS THAN ONE (1) MILLION GALLONS PER DAY

Effluent Parameter	Effluent Limitation {1}	Minimum Monitoring Frequency	Type of Sample
Flow (MGD)	{2}	Continuous	Recorder/ Totalizer
Temperature (°C)	30	Once/Quarter	Grab
Total Residual Oxidants (mg/l) {3}	0.013{4} 0.019{5}	Once/Quarter	Grab
Total Suspended Solids (mg/l)	5 {6}	Once/Quarter	Grab {7}
Oil and Grease (mg/l)	15	Once/Quarter	Grab {8}
pH (standard units)	{9}	Once/Quarter	Grab {10}

MGD = million gallons per day

°C = degrees celsius

mg/l = milligrams per liter

NOTES:

- {1} Pollutant concentration levels shall not exceed the effluent limits or be outside the ranges indicated in the table. Actual or measured levels which exceed those effluent limits or are outside those ranges shall be reported to the director as required in section 8(c) of this general permit.
- {2} No limitation at this time. Only monitoring and reporting is required.

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- {3} Total residual oxidants (TRO) is obtained using the amperometric titration method for total residual chlorine described in 40 CFR Part 136.
- {4} Applicable to discharges that enter saline waters as per Chapter 11-54.
- {5} Applicable to discharges that enter fresh waters as per Chapter 11-54.
- {6} The total suspended solids limits are net increase restrictions of the effluent above that of the influent.
- {7} Both the influent and effluent shall be monitored concurrently.
- {8} Oil and Grease shall be measured by the EPA Method 1664, Revision A.
- {9} The pH value shall not be outside the range as specified in chapter 11-54 for the applicable classification of the receiving state waters.
- {10} The pH shall be tested within fifteen minutes of obtaining the grab sample.

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NPDES GENERAL PERMIT AUTHORIZING DISCHARGES OF HYDROTESTING WATERS

September 2002

1. Coverage under this General Permit
 - (a) This general permit covers facilities or activities which involve a release or discharge of hydrotesting waters to state waters. "Hydrotesting Waters" means water used to test the integrity of a tank or pipeline.
 - (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."
2. Limitations on Coverage under this General Permit
 - (a) This general permit does not cover the following:
 - (1) Discharges of hydrotesting waters into a sanitary sewer system and
 - (2) Discharges of hydrotesting waters which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s).

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- (b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

3. Term of General Permit

- (a) This general permit becomes effective when section 11-55-34.02(b)(5) becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02(b)(5) are adopted, whichever is earlier.
- (b) A notice of general permit coverage under this general permit expires:
 - (1) Five years after the effective date of this general permit;
 - (2) When the notice of general permit coverage specifies; or
 - (3) When amendments to section 11-55-34.02(b)(5) are adopted,whichever is earliest, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

4. Notice of Intent Requirements

- (a) The owner or its duly authorized representative shall submit a complete notice of intent no later than thirty days before

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the proposed starting date of the discharge or thirty days before the expiration of the applicable notice of general permit coverage .

- (b) The owner or its duly authorized representative shall include the following information in the notice of intent:
 - (1) Information required in section 34 of appendix A of chapter 11-55;
 - (2) Brief description of the project including an overview of the hydrotesting activities; an estimated timetable for major construction activities; dates on which the hydrotesting activities are projected to occur; estimated average and maximum daily flow rates; and a list of pollutants that may be present in the hydrotesting water and an explanation of its origins;
 - (3) Water quality analysis of the hydrotesting water including any toxic pollutants believed to be present in the hydrotesting water. For the hydrotesting of transmission lines, the water quality analysis for the source water may be substituted for the water quality analysis of the hydrotesting water; and
 - (4) Hydrotesting best management practices plan, including good housekeeping and mitigative measures to prevent pollutants that may be present in the hydrotesting water from entering state

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waters, to ensure that the hydrotesting water discharge will meet the conditions of this general permit, basic water quality criteria, and applicable specific water quality parameters. The hydrotesting best management practices plan may be submitted with the notice of intent or thirty days before the start of hydrotesting activities.

- (c) The director may require additional information to be submitted.
- (d) The owner or its duly authorized representative shall submit a complete notice of intent to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

6. Effluent Limitations and Monitoring Requirements for Transmission Line Testing

- (a) If a water quality analysis of the hydrotesting water was not provided with the

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notice of intent, then the water quality of the hydrotesting water shall be limited and monitored by the permittee as specified in this section and in Table 34.4. (Daily maximum effluent limitations for saline water apply only when discharges to saline water occur and daily maximum effluent limitations for fresh water apply only when discharges to fresh water occur.)

(1) Sampling Point

The permittee shall collect representative discharge samples at the end of the effluent discharge point(s) prior to entering the receiving state water or separate storm water drainage systems.

(2) Collection of Samples

The permittee shall take samples and measurements for the purposes of monitoring which are representative of the volume and nature of the total discharge.

(3) Types of Samples

(A) "Grab sample" means an individual sample collected within the first fifteen minutes of a discharge.

(B) "Composite sample" means a combination of a least eight samples aliquots, collected at periodic intervals during the operating hours of the facility over a 24-hour period. The

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composite shall be flow proportional; either the time interval between each aliquot or the volume of each aliquot shall be proportional to the total effluent flow since the collection of the previous aliquot. The permittee may collect aliquots manually or automatically.

(4) Test Procedures

- (A) The permittee shall use test procedures for the analysis of pollutants which conform with regulations published under Section 304(h) of the Act.
- (B) Unless otherwise noted in this general permit, the permittee shall measure all pollutant parameters in accordance with methods prescribed in 40 CFR Part 136, promulgated under Section 304(h) of the Act. The permittee may submit applications for the use of alternative test methods in accordance with 40 CFR Section 136.4.
- (C) The permittee shall use test methods with detection limits that reflect the applicable numerical limitations as specified in chapter 11-54. If the test result is not detectable, the permittee shall indicate that the test result is "less than #," where the # is the

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lowest detection limit of the test method used.

(5) Recording of Results

The permittee shall comply with section 14(c) of appendix A of chapter 11-55 for each measurement or sample taken under the requirements of this general permit.

(6) Quantity of Flow

The permittee shall estimate or calculate the quantity of hydrotesting water discharged and submit the calculations.

(b) Basic Water Quality Criteria and Inspections

- (1) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-04.
- (2) The permittee shall timely inspect the receiving state waters, effluent, and control measures and best management practices to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 11-54-04. (e.g., the permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for

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items that may be toxic or harmful to human or other life.)

7. Corrective Action

The permittee shall immediately stop, reduce, or modify construction, hydrotesting, or implement new or revised best management practices as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-04.

8. Reporting Requirements

(a) Reporting of Monitoring Results

- (1) The permittee shall report monitoring results on a discharge monitoring report form (EPA No. 3320-1). The permittee shall submit results of all monitoring required by this general permit in a format that demonstrates compliance with the limitations in Table 34.4 and other requirements of this general permit.
- (2) The permittee shall submit monitoring results obtained during the previous calendar month, postmarked no later than the twenty-eighth day of the month following the completed reporting period.
- (3) The permittee shall also submit the monitoring results with laboratory reports, including quality assurance/quality control data; effluent flow calculations; and any additional treatment strategies to be implemented based on monitoring results.

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- (4) Should there be no discharges during the monitoring period, the discharge monitoring report form shall so state.

- (b) Additional Monitoring by the Permittee

If the permittee monitors any pollutant at location(s) designated herein more frequently than required by this general permit, using approved analytical methods as specified in section 6(a)(4)(B), the permittee shall include the results of this monitoring in the calculation and reporting of the values required in the discharge monitoring report form. The permittee shall also indicate the increased frequency.

- (c) Reporting of Noncompliance, Unanticipated Bypass, or Upset

- (1) The permittee or its duly authorized representative shall orally report any of the following when the permittee or its duly authorized representative becomes aware of the circumstances:
 - (A) Violation of an effluent limitation specified in Table 34.4 or a basic water quality criterion specified in section 6;
 - (B) Discharge or noncompliance with effluent limitations which may endanger health or the environment; and
 - (C) Unanticipated bypass or upset.

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- (2) The permittee shall make oral reports by telephone to the Clean Water Branch at (808) 586-4309 during regular office hours which are Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m. or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.
- (3) The permittee shall provide a written report within five days of the time the permittee or its duly authorized representative becomes aware of the circumstances. The written report shall include the following:
 - (A) Description of the noncompliance, unanticipated bypass, or upset and its cause;
 - (B) Period of noncompliance, unanticipated bypass, or upset including exact dates and times;
 - (C) Estimated time the noncompliance, unanticipated bypass, or upset is expected to continue if it has not been corrected; and
 - (D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.
- (4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

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9. Submittal Requirements

- (a) The owner or its duly authorized representative shall submit signed copies of monitoring and all other reports required by this general permit to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

- (b) The owner or its duly authorized representative shall include the following certification statement and signature on each submittal in accordance with section 11-55-07(b):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

- (c) The owner or its duly authorized representative shall include the notice of

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general permit coverage file number on each submittal. Failure to provide the assigned general permit file number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).

10. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

11. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

12. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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TABLE 34.4

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR HYDROTESTING WATER DISCHARGES

Effluent Parameter	Effluent Limitations {1}	Minimum Monitoring Frequency	Type of Sample
Quantity of Discharge (gallons)	{2}	Once/Discharge	Calculated or Estimated
Total Suspended Solids (mg/l)	{2}	Once/Discharge	Grab
Turbidity (NTU)	{2}	Once/Discharge	Grab
pH (standard units)	{3}	Once/Discharge	Grab{4}
Total Residual Chlorine (µg/l){5}	19{6} 13{7}	Once/Discharge	Grab{4}
Toxic Pollutants {8}	{9}	Once/Discharge	{10}

mg/l = milligrams per liter

µg/l = micrograms per liter

NTU = nephelometric turbidity units

NOTES:

- {1} Pollutant concentration levels shall not exceed the effluent limits or be outside the ranges indicated in the table. Actual or measured levels which exceed those effluent limits or are outside those ranges shall be reported to the director as required in section 8(c) of this general permit.
- {2} The value shall not exceed the applicable limit as specified in chapter 11-54 for the applicable classification of the receiving state waters. If no limitation is specified in chapter 11-54, then only monitoring and reporting is required.

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- {3} The pH value shall not be outside the range as specified in chapter 11-54 for the applicable classification of the receiving state waters.
- {4} The permittee shall measure pH within fifteen minutes of obtaining the grab sample.
- {5} The permittee shall test for total residual chlorine when immediately after obtaining a sample and only when effluent from disinfection operations is discharged.
- {6} This limitation applies when hydrotesting water is discharged into fresh waters.
- {7} This limitation applies when hydrotesting water is discharged into saline waters.
- {8} The permittee shall test for toxic pollutants, as identified in Appendix D of 40 CFR Part 122 or in section 11-54-04, only if they are identified as potential pollutants requiring monitoring in the notice of intent. The permittee shall test for the total recoverable portion of all metals.
- {9} Effluent limitations are the acute water quality standards established in section 11-54-04, for either fresh or saline waters. For pollutants which do not have established acute water quality standards, the permittee shall report any detected concentration greater than 0.01 µg/l.
- {10} The permittee shall test for cyanide and the volatile fraction of the toxic organic compounds using a grab sample. The permittee shall test for all other pollutants, as identified in Appendix D of 40 CFR Part 122 or in section 11-54-04 using a composite sample.

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NPDES GENERAL PERMIT AUTHORIZING DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY DEWATERING

September 2002

1. Coverage under this General Permit
 - (a) This general permit covers discharges from the dewatering process of construction activities of any size upon compliance with the applicable general permit requirements.
 - (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."
2. Limitations on Coverage under this General Permit
 - (a) This general permit does not cover the following:
 - (1) Discharges of construction dewatering effluent into a sanitary sewer system;
 - (2) Storm water discharges associated with construction activities for which the director has issued a notice of general permit coverage under another general permit;
 - (3) Return flow or overflow from dredged material dewatering process that are

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regulated by the U.S. Army Corps of Engineers under Section 404 of the Act;

- (4) Discharges of construction dewatering effluent which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s);
 - (5) Discharges of construction dewatering effluent that is subject to the general permit specified in appendix D of chapter 11-55; and
 - (6) Discharges of construction dewatering effluent that the director finds more appropriately regulated under an individual permit.
- (b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

3. Term of General Permit

- (a) This general permit becomes effective when section 11-55-34.02(b)(6) becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02(b)(6) are adopted, whichever is earlier.

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- (b) A notice of general permit coverage under this general permit expires:
 - (1) Five years after the effective date of this general permit;
 - (2) When the notice of general permit coverage specifies; or
 - (3) When amendments to section 11-55-34.02(b)(6) are adopted,

whichever is earliest, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

4. Notice of Intent Requirements

- (a) The owner or its duly authorized representative shall submit a complete notice of intent no later than thirty days before the proposed starting date of the discharge or thirty days before the expiration date of the applicable notice of general permit coverage.
- (b) The owner or its duly authorized representative shall include the following information in the notice of intent:
 - (1) Information required in section 34 of appendix A of chapter 11-55;
 - (2) Legal name, street address, telephone and fax numbers, and contact person(s) for the designer(s) of the dewatering or treatment facility(ies) or both;

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- (3) Site characterization report including the history of the land use at the proposed construction site and surrounding area, the potential pollution source(s) at the proposed construction site and surrounding area, the potential pollutant(s) present at the proposed construction site and surrounding area, any proposed corrective measures, and pollutants that may be in the discharge;
- (4) Brief description of the project including the portion of the project involving construction dewatering, an estimated timetable for major activities (including the date when the contractor will begin site disturbance), the date when the contractor will begin the construction dewatering process, estimates of the quantity, rate, and frequency of the proposed discharges, and the time frame of the proposed discharges;
- (5) An analysis of the source water quality as specified by the director. The source water quality data may be collected from sites allowed by the director. The analysis shall:
 - (A) Include an explanation addressing the selection of the toxic pollutants provided and an evaluation of the source water quality data collected with respect to the applicable numeric criteria and numeric standards for the toxic

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pollutants specified under section 11-54-04,

- (B) Be based on the history of the land use as reported in paragraph 4(b)(3) or as believed to be present in the discharge,
 - (C) Use test methods as specified in section 6(a)(4)(B), and
 - (D) Be submitted to the director with the notice of intent;
- (6) Dewatering plan designed to comply with the basic water quality criteria specified under chapter 11-54. The plan shall include the pumping devices to be used, their pumping capacity, and the number of devices to be used; treatment design; design concerns; calculations used in the treatment design; and proposed mitigative measures. The site-specific dewatering plan shall be submitted to the director with the notice of intent or thirty days before the start of construction dewatering activities;
- (7) Dewatering system maintenance plan to ensure that the dewatering effluent discharge will meet conditions of this general permit, basic water quality criteria, and applicable specific water quality parameters. The dewatering system maintenance plan shall include:
- (A) Schedule of activities,

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(B) Operation and maintenance procedures to prevent or reduce the pollution of state waters, including:

- (i) Responsible field person of the system, by title or name;
- (ii) Operations plan;
- (iii) Maintenance scheduling or action criteria;
- (iv) Maintenance program;
- (v) Sediment handling and disposal plan;
- (vi) Monitoring and visual inspection program;
- (vii) Cessation of discharge plan; and
- (viii) Effluent control plan, and

(C) Treatment requirements.

The site-specific dewatering system maintenance plan shall be submitted to the director with the notice of intent or thirty days before the start of construction dewatering activities.

- (8) Construction pollution prevention plan to prevent or reduce the pollution of state waters due to other discharges.

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The construction pollution prevention plan shall include:

- (A) Prohibited practices,
- (B) Other management practices to prevent or reduce the pollution of state waters, and
- (C) Practices to control project site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage or stockpiling area(s).

The site-specific construction pollution prevention plan shall be submitted to the director with the notice of intent or thirty days before the start of construction dewatering activities; and

- (9) For construction projects which are one acre or more, submit a county approved site-specific erosion control plan with the notice of intent or thirty days before the start of construction dewatering activities, as applicable.
- (c) The director may require additional information to be submitted.
- (d) The owner or its duly authorized representative shall submit a complete notice of intent to the director at the following address or as otherwise specified:

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Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

6. Effluent Limitations and Monitoring Requirements

- (a) The effluent shall be limited and monitored by the permittee as specified in this section and in Table 34.5 (Daily maximum effluent limitations for saline water apply only when discharges to saline water occur and daily maximum effluent limitations for fresh water apply only when discharges to fresh water occur.)

(1) Sampling Point

The permittee shall collect representative discharge samples at the end of the effluent discharge point(s) prior to entering the receiving state water or separate storm water drainage systems.

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(2) Collection of Samples

The permittee shall take samples and measurements for the purposes of monitoring which are representative of the volume and nature of the total discharge.

(3) Types of Samples

- (A) "Grab sample" means an individual sample collected within the first fifteen minutes of a discharge.
- (B) "Composite sample" means a combination of a least eight samples aliquots, collected at periodic intervals during the operating hours of the facility over a 24-hour period. The composite shall be flow proportional; either the time interval between each aliquot or the volume of each aliquot shall be proportional to the total effluent flow since the collection of the previous aliquot. The permittee may collect aliquots manually or automatically.

(4) Test Procedures

- (A) The permittee shall use test procedures for the analysis of pollutants which conform with regulations published under Section 304(h) of the Act.

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(B) Unless otherwise noted in this general permit, the permittee shall measure all pollutant parameters in accordance with methods prescribed in 40 CFR Part 136, promulgated under Section 304(h) of the Act. The permittee may submit applications for the use of alternative test methods in accordance with 40 CFR Section 136.4.

(C) The permittee shall use test methods with detection limits that reflect the applicable numerical limitations as specified in chapter 11-54. If the test result is not detectable, indicate that the test result is "less than #," where the # is the lowest detection limit of the test method used.

(5) Recording of Results

The permittee shall comply with section 14(c) of appendix A of chapter 11-55 for each measurement or sample taken under the requirements of this general permit.

(b) Basic Water Quality Criteria and Inspections

(1) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-04.

(2) The permittee shall timely inspect the receiving state waters, effluent, and control measures and best management

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practices to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in 11-54-04. (e.g., the permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)

7. Corrective Action

The permittee shall immediately stop, reduce, or modify construction, or implement a new or revised dewatering system maintenance plan as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-04.

8. Reporting Requirements

(a) Reporting of Monitoring Results

- (1) The permittee shall report monitoring results on a discharge monitoring report form (EPA No. 3320-1). The permittee shall submit results of all monitoring required by this general permit in a format that demonstrates compliance with the limitations in Table 34.4 and other requirements of this general permit.
- (2) The permittee shall submit monitoring results obtained during the previous calendar month, postmarked no later than the twenty-eighth day of the month

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following the completed reporting period.

- (3) The permittee shall also submit the monitoring results with laboratory reports, including quality assurance/quality control data; effluent flow calculations; and any additional treatment strategies to be implemented based on monitoring results.
 - (4) Should there be no discharges during the monitoring period, the discharge monitoring report form shall so state.
- (b) Additional Monitoring by the Permittee

If the permittee monitors any pollutant at location(s) designated herein more frequently than required by this general permit, using approved analytical methods as specified in section 6(a)(4)(B), the permittee shall include the results of this monitoring in the calculation and reporting of the values required in the discharge monitoring report form. The permittee shall also indicate the increased frequency.

- (c) Reporting of Noncompliance, Unanticipated Bypass, or Upset

- (1) The permittee or its duly authorized representative shall orally report any of the following when the permittee or its duly authorized representative becomes aware of the circumstances:
 - (A) Violation of an effluent limitation specified in Table 34.5 or a basic

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water quality criterion specified
in section 6;

- (B) Discharge or noncompliance with
effluent limitations which may
endanger health or the environment;
or
 - (C) Unanticipated bypass or upset.
- (2) The permittee shall make oral reports by
telephone to the Clean Water Branch at
(808) 586-4309 during regular office
hours which are Monday through Friday
(excluding holidays) from 7:45 a.m.
until 4:15 p.m. or the Hawaii State
Hospital Operator at (808) 247-2191
outside of regular office hours.
- (3) The permittee shall provide a written
report within five days of the time the
permittee or its duly authorized
representative becomes aware of the
circumstances. The written report shall
include the following:
- (A) Description of the noncompliance,
unanticipated bypass, or upset and
its cause;
 - (B) Period of noncompliance,
unanticipated bypass, or upset
including exact dates and times;
 - (C) Estimated time the noncompliance,
unanticipated bypass, or upset is
expected to continue if it has not
been corrected; and

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(D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.

(4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

9. Submittal Requirements

(a) The owner or its duly authorized representative shall submit signed copies of monitoring and all other reports required by this general permit to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

(b) The owner or its duly authorized representative shall include the following certification statement and signature on each submittal in accordance with section 11-55-07(b):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly

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responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

- (c) The owner or its duly authorized representative shall include the notice of general permit coverage file number on each submittal. Failure to provide the assigned general permit file number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).

10. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

11. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

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12. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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TABLE 34.5

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR CONSTRUCTION DEWATERING DISCHARGES

Effluent Parameter	Effluent Limitations {1}	Minimum Monitoring Frequency	Type of Sample
Quantity of Discharge (GPD or gpm)	{2}	{3}	Calculated or Estimated
Total Suspended Solids (mg/l)	{2}	{4}	Grab
Turbidity (NTU)	{2}	{4}	Grab
Oil and Grease (mg/l)	15	{4}	Grab {5}
pH (standard units)	{6}	{4}	Grab {7}
Toxic Pollutants {8}	{9}	{4}	{10}

GPD = gallons per day

gpm = gallons per minute

mg/l = milligrams per liter

NTU = nephelometric turbidity units

NOTES:

- {1} Pollutant concentration levels shall not exceed the effluent limits or be outside the ranges indicated in the table. Actual or measured levels which exceed those effluent limits or are outside those ranges shall be reported to the director as required in section 8(c) of this general permit.
- {2} No limitation at this time. Only monitoring and reporting is required.

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- {3} For intermittent discharges, flow measurement shall be taken once for each discharge for the duration of the discharge. For continuous discharge, continuous flow measurement is required.
- {4} For intermittent discharges, the sample shall be taken once for each discharge. For continuous discharge, the sample shall be taken at least once per week.
- {5} Oil and Grease shall be measured by the EPA Method 1664, Revision A.
- {6} The pH value shall not be outside the range as specified in chapter 11-54 for the applicable classification of the receiving state waters.
- {7} The permittee shall measure pH within fifteen minutes of obtaining the grab sample.
- {8} The permittee shall test for toxic pollutants, as identified in Appendix D of 40 CFR Part 122 or in section 11-54-04 only if they are identified as potential pollutants requiring monitoring in the notice of intent. For dewatering processes involving only the treated storm water discharges, only those potential pollutants identified in the site characterization report need to be monitored. The permittee shall test for the total recoverable portion of all metals.
- {9} Effluent limitations are the acute water quality standards established in section 11-54-04, for either fresh or saline waters. For pollutants which do not have established acute water quality standards, the permittee shall report any detected concentration greater than 0.01 µg/l.

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- {10} The permittee shall test for cyanide, temperature, bacterial counts, and the volatile fraction of the toxic organic compounds using a grab sample. The permittee shall test for all other pollutants as identified in Appendix D of 40 CFR Part 122 or in section 11-54-04 using a composite sample.

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NPDES GENERAL PERMIT AUTHORIZING DISCHARGES OF TREATED PROCESS WASTEWATER ASSOCIATED WITH PETROLEUM BULK STATIONS AND TERMINALS

September 2002

1. Coverage under this General Permit
 - (a) This general permit covers only discharges of treated process wastewater effluent from petroleum bulk stations and terminals upon compliance with the applicable general permit requirements. Treated process wastewater effluent covered by this general permit includes tank water draws; product displacement process wastewater; wash down and fire hydrant system test waters; service station tank draws; recovered groundwater; and contaminated storm water runoff from the product storage and handling areas.
 - (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."
2. Limitations on Coverage under this General Permit
 - (a) This general permit does not cover the following:
 - (1) Discharges of treated effluent into a sanitary sewer system and

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- (2) Discharges of treated effluent which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s).
 - (b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.
3. Term of General Permit
- (a) This general permit becomes effective when section 11-55-34.02(b)(7) becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02(b)(7) are adopted, whichever is earlier.
 - (b) A notice of general permit coverage under this general permit expires:
 - (1) Five years after the effective date of this general permit;
 - (2) When the notice of general permit coverage specifies; or
 - (3) When amendments to section 11-55-34.02(b)(7) are adopted,

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whichever is earliest, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

4. Notice of Intent Requirements

- (a) The owner or its duly authorized representative shall submit a complete notice of intent no later than thirty days before the proposed starting date of the discharge or thirty days before the expiration date of the applicable notice of general permit coverage.
- (b) The owner or its duly authorized representative shall include the following information in the notice of intent:
 - (1) Information required in section 34 of appendix A of chapter 11-55;
 - (2) List of up to four Standard Industrial Classification codes or North American Industrial Classification System codes that best represent the products or activities of the facility;
 - (3) Brief description of the nature of business conducted at the facility;
 - (4) Description of the following for each outfall:
 - (A) All operations contributing wastewater and contaminated storm water runoff to the effluent;

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- (B) The average flow contributed by each operation and contaminated storm water runoff;
 - (C) The treatment received by the wastewater and contaminated storm water runoff; and
 - (D) The average and maximum daily flow rates of the effluent discharge;
- (5) Quantitative data on pollutants that the owner or operator of the facility knows or reasonably should know are or will be present in the discharge and for which the pollutants numerical criteria for the existing or proposed receiving state waters are specified in chapter 11-54, especially section 11-54-04;
- (6) Name, street address, and phone and fax numbers of each contract laboratory or consulting firm that performed any of the analyses in accordance with section 4(b)(5), as applicable. This information shall be submitted with the notice of intent or thirty days before the start of discharge(s); and
- (7) Treatment system operations plan which specifies the treatment system to be used and describes its operation in detail. The plan shall include a sampling plan and a detailed schedule for sampling and analysis of the effluent. The treatment system operations plan shall be modified by the permittee as requested by the director.

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- (c) The director may require additional information to be submitted.
- (d) The owner or its duly authorized representative shall submit a complete notice of intent to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

6. Effluent Limitations and Monitoring Requirements

- (a) The effluent shall be limited and monitored by the permittee as specified in this section and in Table 34.6. (Daily maximum effluent limitations for saline water apply only when discharges to saline water occur and daily maximum effluent limitations for fresh water apply only when discharges to fresh water occur.)

(1) Sampling Points

The permittee shall collect representative discharge samples at the

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end of effluent discharge point(s) prior to entering the receiving state water or separate storm water drainage systems.

(2) Collection of samples

The permittee shall take samples and measurements for the purposes of monitoring which are representative of the volume and nature of the total discharge.

(3) Type of Sample

"Grab Sample" means an individual sample collected within the first fifteen minutes of a discharge.

(4) Test Procedures

(A) The permittee shall use test procedures for the analysis of pollutants that conform with regulations published under Section 304(h) of the Act.

(B) Unless otherwise noted in this general permit, the permittee shall measure all pollutant parameters in accordance with methods prescribed in 40 CFR Part 136, promulgated under Section 304(h) of the Act. The permittee may submit applications for the use of alternative test methods in accordance with 40 CFR Section 136.4.

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- (C) The permittee shall use test methods with detection limits that reflect the applicable numerical limitations as specified in chapter 11-54. If the test result is not detectable, indicate that the test result is "less than #," where the # is the lowest detection limit of the test method used.

(5) Recording of Results

The permittee shall comply with section 14(c) of appendix A of chapter 11-55 for each measurement or sample taken under the requirements of this general permit.

(b) Basic Water Quality Criteria and Inspections

- (1) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-04.
- (2) The permittee shall timely inspect the receiving state waters, effluent, and control measures and best management practices to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 11-54-04. (e.g., the permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for

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items that may be toxic or harmful to human or other life.)

- (c) The permittee shall collect the following information for each batch discharge: date, duration (in hours), starting and ending times, and volume.
- (d) There shall be no discharge of floating solids or visible foam.
- (e) There shall be no visible oil sheen in the effluent.

7. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-04.

8. Reporting Requirements

(a) Reporting of Monitoring Results

- (1) The permittee shall report monitoring results on a discharge monitoring report form (EPA No. 3320-1). The permittee shall submit results of all monitoring required by this general permit in a format that demonstrates compliance with the limitations in Table 34.6 and other requirements of this general permit.
- (2) The permittee shall submit monitoring results obtained during the previous calendar month and the results shall be postmarked no later than the twenty-

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eighth day of the month following the completed reporting period.

- (3) The permittee shall also submit the monitoring results with laboratory reports, including quality assurance/quality control data; effluent flow calculations; and any additional treatment strategies to be implemented based on monitoring results.
 - (4) Should there be no discharges during the monitoring period, the discharge monitoring report form shall so state.
- (b) Additional Monitoring by the Permittee

If the permittee monitors any pollutant at location(s) designated herein more frequently than required by this general permit, using approved analytical methods as specified in section 6(a)(4)(B), the permittee shall include the results of this monitoring in the calculation and reporting of the values required in the discharge monitoring report form. The permittee shall also indicate the increased frequency.

- (c) Reporting of Noncompliance, Unanticipated Bypass, or Upset

- (1) The permittee or its duly authorized representative shall orally report any of the following when the permittee or its duly authorized representative becomes aware of the circumstances:
 - (A) Violation of an effluent limitation specified in Table 34.6 or a basic

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water quality criterion specified
in section 6;

- (B) Discharge or noncompliance with effluent limitations which may endanger health or the environment;
or
 - (C) Unanticipated bypass or upset.
- (2) The permittee shall make oral reports by telephone to the Clean Water Branch at (808) 586-4309 during regular office hours which are Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m. or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.
- (3) The permittee shall provide a written report within five days of the time the permittee or its duly authorized representative becomes aware of the circumstances. The written report shall include the following:
- (A) Description of the noncompliance, unanticipated bypass, or upset and its cause;
 - (B) Period of noncompliance, unanticipated bypass, or upset including exact dates and times;
 - (C) Estimated time the noncompliance, unanticipated bypass, or upset is expected to continue if it has not been corrected; and

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(D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.

(4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

(d) Planned Changes

The permittee shall report any planned physical alterations or additions to the permitted facility, not covered by 40 CFR §122.41(l)(1)(i), (ii), and (iii) to the director on a quarterly basis.

(e) Schedule of Maintenance

The permittee shall submit a schedule for approval by the director at least fourteen days prior to any maintenance of facilities which might result in exceedance of effluent limitations. The schedule shall include a description of the maintenance and its reason; the period of maintenance, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent occurrence of noncompliance.

9. Submittal Requirements

(a) The owner or its duly authorized representative shall submit signed copies of monitoring and all other reports required by this general permit to the director at the following address or as otherwise specified:

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Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

- (b) The owner or its duly authorized representative shall include the following certification statement and signature on each submittal in accordance with section 11-55-07(b):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

- (c) The owner or its duly authorized representative shall include the notice of general permit coverage file number on each submittal. Failure to provide the assigned general permit file number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).

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10. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

11. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

12. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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TABLE 34.6

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGES OF TREATED EFFLUENT FROM PETROLEUM BULK STATIONS AND TERMINALS

Effluent Parameter	Effluent Limitations {1}		Monitoring Requirements {2}	
	For Saline Water	For Fresh Water	Minimum Frequency	Type of Sample
Quantity of Discharge (gallons)	{3}	{3}	Once/Batch Discharge	Calculated or Estimated
Oil and Grease (mg/l)	15	15	Once/Batch Discharge	Grab {4}
Total Recoverable Lead (mg/l) {5}	0.14	0.029	Once/Batch Discharge	Grab
Benzene (mg/l) {6}	1.7	1.8	Once/Batch Discharge	Grab
Toluene (mg/l) {6}	2.1	5.8	Once/Batch Discharge	Grab
Xylenes (mg/l) {6}	{3}	{3}	Once/Batch Discharge	Grab
Ethyl benzene (mg/l) {6}	0.14	11	Once/Batch Discharge	Grab
Turbidity (NTU)	{7}	{7}	Once/Batch Discharge	Grab
Ammonia Nitrogen (NH ₄ -N mg/l)	{7}	{7}	Once/Batch Discharge	Grab
pH (standard units) {8}	{7}	{7}	Once/Batch Discharge	Grab {9}

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Effluent Parameter	Effluent Limitations {1}		Monitoring Requirements {2}	
	For Saline Water	For Fresh Water	Minimum Frequency	Type of Sample
Dissolved Oxygen (%saturation)	{7}	{7}	Once/Batch Discharge	Grab

mg/l = milligrams per liter

NTU = nephelometric turbidity units

NOTES:

- {1} Pollutant concentration levels shall not exceed the effluent limits or be outside the ranges indicated in the table. Actual or measured levels which exceed those effluent limits or are outside those ranges shall be reported to the director as required in section 8(c) of this general permit.
- {2} No monitoring of storm water discharge is required if the associated storm event occurs less than seventy-two hours from a previous storm event or provided that the preceding storm event generates storm water which is discharged and monitored for all effluent characteristics specified in accordance with Table 34.6 or both.
- {3} No limitation at this time. Only monitoring and reporting is required.
- {4} Oil and Grease shall be measured by the EPA Method 1664, Revision A.
- {5} The permittee shall test for the total recoverable portion of all metals.
- {6} EPA methods 5030/8015, or 5030/8020, or 5030/8240, or 602, or 624, shall be used for measurement of

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benzene, ethyl benzene, and toluene. EPA method 8240, or an equivalent method approved by the director, shall be used for the measurement of xylenes.

- {7} Effluent limitations are the specific criteria established in section 11-54-05 and 11-54-06 for the classification of the receiving state waters, as applicable. For pollutants which do not have established specific criteria, the permittee shall report any detected concentration greater than 0.01 µg/l.
- {8} The permittee may determine compliance for pH by either monitoring the effluent or the receiving state water. Receiving state water monitoring shall be performed at a minimum of two stations. One sample station shall be monitored at the point where the discharge initially mixes with the receiving state water. One control station shall be monitored at a point where impacts from the discharge would not be expected. The monitoring specification shall be set forth in a monitoring program as approved by the director.
- {9} The permittee shall measure pH within fifteen minutes of obtaining the grab sample.

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NPDES GENERAL PERMIT AUTHORIZING DISCHARGES OF TREATED PROCESS WASTEWATER ASSOCIATED WITH WELL DRILLING ACTIVITIES

September 2002

1. Coverage under this General Permit
 - (a) This general permit covers only discharges of treated process wastewater associated with well drilling activities upon compliance with the applicable general permit requirements. Treated process wastewater covered by this general permit includes well drilling slurries, lubricating fluids wastewaters, and well purge wastewaters.
 - (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."
2. Limitations on Coverage under this General Permit
 - (a) This general permit does not cover the following:
 - (1) Discharges of treated process wastewater into a sanitary sewer system;
 - (2) Discharges of treated process wastewater which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval

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is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s); and

(3) Discharges of well pump testing wastewaters which are not associated with well drilling activities.

(b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

3. Term of General Permit

(a) This general permit becomes effective when section 11-55-34.02(b)(8) becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02(b)(8) are adopted, whichever is earlier.

(b) A notice of general permit coverage under this general permit expires:

(1) Five years after the effective date of this general permit;

(2) When the notice of general permit coverage specifies; or

(3) When amendments to section 11-55-34.02(b)(8) are adopted,

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whichever is earliest, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

4. Notice of Intent Requirements

- (a) The owner or its duly authorized representative shall submit a complete notice of intent no later than thirty days before the proposed starting date of the discharge or thirty days before the expiration date of the applicable notice of general permit coverage.
- (b) The owner or its duly authorized representative shall include the following information in the notice of intent:
 - (1) Information required in section 34 of appendix A of chapter 11-55;
 - (2) Legal name, street address, telephone and fax numbers, and contact person(s) for the designer(s) of the well drilling process wastewater treatment facility(ies);
 - (3) Site characterization report which includes:
 - (A) The history of the land use at the proposed drilling site,
 - (B) The potential pollution source(s) at the proposed drilling site,
 - (C) The potential pollutant(s) present at the proposed drilling site,

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- (D) Any proposed corrective measures,
and
 - (E) Pollutants that may be in the
effluent;
- (4) Brief description of the project,
including:
- (A) An estimated timetable of the
drilling activities, including the
date when the contractor will begin
the well drilling process;
 - (B) Details of the proposed
wastewater(s) discharge(s):
 - (i) Estimates of the quantity
and frequency of the
proposed discharge(s) and
 - (ii) The name(s) of the
chemical(s) or material(s)
listed by both chemical and
trade names that is(are)
present in the proposed
wastewater(s) discharge(s).
Also, provide the material
safety data sheet (MSDS) for
the chemical(s) or
materials; and
 - (C) The time frame of the proposed
discharges;
- (5) Quantitative data on pollutants that the
owner or operator of the activity knows
or reasonably should know are or will be
present in the discharge and for which

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pollutants numerical criteria for the receiving state waters are specified in section 11-54-04;

- (6) Name, street address, and phone and fax numbers of each contract laboratory or consulting firm that performed any of the analyses in accordance with section 4(b)(5), as applicable. This information shall be submitted with the notice of intent or thirty days before the start of well drilling activities;
- (7) Well drilling plan designed to comply with the basic water quality criteria specified under chapter 11-54. The plan shall include:
 - (A) The well drilling equipment to be used,
 - (B) Process wastewater treatment design,
 - (C) Design concerns,
 - (D) Calculations used in the treatment design, and
 - (E) Proposed mitigative measures.

The site-specific detailed well drilling plan shall be submitted to the director with the notice of intent or thirty days before the start of well drilling activities;

- (8) Well drilling best management practices plan to ensure that the well drilling

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effluent discharge will meet conditions of this general permit, basic water quality criteria, and applicable specific water quality parameters. The well drilling best management practices plan shall include:

- (A) A schedule of activities;
- (B) Prohibited practices;
- (C) Operation and maintenance procedures to prevent or reduce the pollution of state waters, including:
 - (i) Responsible field person of the system, by title or name;
 - (ii) Operations plan;
 - (iii) Maintenance scheduling or action criteria, and program;
 - (iv) Effluent monitoring program (e.g. visual inspection);
 - (v) Cessation of discharge plan; and
 - (vi) Effluent control plan;
- (D) Other management practices to prevent or reduce the pollution of state waters;
- (E) Treatment requirements; and

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- (F) Practices to control project site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage or stockpiling area(s).

The site-specific detailed well drilling best management practices plan shall be submitted to the director with the notice of intent or thirty days before the start of well drilling activities.

- (c) The director may require additional information to be submitted.
- (d) The owner or its duly authorized representative shall submit a complete notice of intent to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

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6. Effluent Limitations and Monitoring Requirements

- (a) The discharges shall be limited and monitored by the permittee as specified in this section and in Table 34.7 (Daily maximum effluent limitations for saline water apply only when discharges to saline water occur and daily maximum effluent limitations for fresh water apply only when discharges to fresh water occur.)

(1) Sampling Points

The permittee shall collect representative discharge samples at the end of effluent discharge point(s) prior to entering the receiving state water or separate storm water drainage systems.

(2) Collection of Samples

The permittee shall take samples and measurements for the purposes of monitoring which are representative of the volume and nature of the total discharge.

(3) Types of Samples

- (A) "Grab Sample" means an individual sample collected within the first fifteen minutes of a discharge.
- (B) "Composite sample" means a combination of a least eight samples aliquots, collected at periodic intervals during the operating hours of the facility over a 24-hour period. The

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composite shall be flow proportional; either the time interval between each aliquot or the volume of each aliquot shall be proportional to the total effluent flow since the collection of the previous aliquot. The permittee may collect aliquots manually or automatically.

(4) Test Procedures

- (A) The permittee shall use test procedures for the analysis of pollutants which conform with regulations published under Section 304(h) of the Act.
- (B) Unless otherwise noted in this general permit, the permittee shall measure all pollutant parameters in accordance with methods prescribed in 40 CFR Part 136, promulgated under Section 304(h) of the Act. The permittee may submit applications for the use of alternative test methods in accordance with 40 CFR Section 136.4.
- (C) The] permittee shall use test methods with detection limits that reflect the applicable numerical limitations as specified in chapter 11-54. If the test result is not detectable, indicate that the test result is "less than #," where the # is the lowest detection limit of the test method used.

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(5) Recording of Results

The permittee shall comply with section 14(c) of appendix A of chapter 11-55 for each measurement or sample taken under the requirements of this general permit.

(b) Basic Water Quality Criteria and Inspections

- (1) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-04.
 - (2) The permittee shall timely inspect the receiving state waters, effluent, and control measures and best management practices to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 11-54-04. (e.g., the permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce odor or off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)
- (c) There shall be no discharge of floating solids or visible foam.
 - (d) There shall be no visible oil sheen in the effluent.
 - (e) The permittee shall take all reasonable steps to minimize or prevent any discharge, use, or disposal of sludge or sediments in violation

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of this general permit or applicable law. Sludge, sediments, or any other material generated by any treatment process shall be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material shall be in compliance with 40 CFR Parts 501 and 503.

7. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-04.

8. Reporting Requirements

(a) Reporting of Monitoring Results

- (1) The permittee shall report monitoring results on a discharge monitoring report form (EPA No. 3320-1). The permittee shall submit results of all monitoring required by this general permit in a format that demonstrates compliance with the limitations in Table 34.7 and other requirements of this general permit.
- (2) The permittee shall submit monitoring results obtained during the previous calendar month, postmarked no later than the twenty-eighth day of the month following the completed reporting period.
- (3) The permittee shall also submit the monitoring results with laboratory

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reports, including quality assurance/quality control data; effluent flow calculations; and any additional treatment strategies to be implemented based on monitoring results.

- (4) Should there be no discharges during the monitoring period, the discharge monitoring report form shall so state.

(b) Additional Monitoring by the Permittee

If the permittee monitors any pollutant at location(s) designated herein more frequently than required by this general permit, using approved analytical methods as specified in section 6(a)(4)(B), the permittee shall include the results of this monitoring in the calculation and reporting of the values required in the discharge monitoring report form. The permittee shall also indicate the increased frequency.

(c) Reporting of Noncompliance, Unanticipated Bypass, or Upset

- (1) The permittee or its duly authorized representative shall orally report any of the following when the permittee or its duly authorized representative becomes aware of the circumstances:
 - (A) Violation of an effluent limitation specified in Table 34.7 or a basic water quality criterion specified in section 6;
 - (B) Discharge or noncompliance with effluent limitations which may

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endanger health or the environment;
or

- (C) Unanticipated bypass or upset.
- (2) The permittee shall make oral reports by telephone to the Clean Water Branch at (808) 586-4309 during regular office hours which are Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m. or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.
- (3) The permittee shall provide a written report within five days of the time the permittee or its duly authorized representative becomes aware of the circumstances. The written report shall include the following:
 - (A) Description of the noncompliance, unanticipated bypass, or upset and its cause;
 - (B) Period of noncompliance, unanticipated bypass, or upset including exact dates and times;
 - (C) Estimated time the noncompliance, unanticipated bypass, or upset is expected to continue if it has not been corrected; and
 - (D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.

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- (4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

- (d) Planned Changes

The permittee shall report any planned physical alterations or additions to the permitted facility, not covered by 40 CFR §122.41(l)(1)(i), (ii), and (iii) to the director on a quarterly basis.

- (e) Schedule of Maintenance

The permittee shall submit a schedule for approval by the director at least fourteen days prior to any maintenance of facilities which might result in exceedance of effluent limitations. The schedule shall include a description of the maintenance and its reason; the period of maintenance, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent occurrence of noncompliance.

9. Submittal Requirements

- (a) The owner or its duly authorized representative shall submit signed copies of monitoring and all other reports required by this general permit to the director at the following address or as otherwise specified:

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Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

- (b) The owner or its duly authorized representative shall include the following certification statement and signature on each submittal in accordance with section 11-55-07(b):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

- (c) The owner or its duly authorized representative shall include the notice of general permit coverage file number on each submittal. Failure to provide the assigned general permit file number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).

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10. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

11. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

12. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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TABLE 34.7

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS
FOR DISCHARGE OF TREATED EFFLUENT
FROM WELL DRILLING ACTIVITIES

Effluent Parameters	Effluent Limitations {1}		Monitoring Requirements	
	For Saline Water	For Fresh Water	Minimum Frequency	Type of Sample
Quantity of Discharge (gallons)	{2}	{2}	Daily	Calculated or Estimated
Oil and Grease (mg/l)	15	15	{3}	Grab {4}
Benzene (mg/l) {5}	1.7	1.8	{3}	Grab
Total Suspended Solids (mg/l)	{6}	{6}	{3}	Grab
Turbidity (NTU)	{6}	{6}	{3}	Grab
Ammonia Nitrogen (NH ₄ -N/l) {7}	{6}	{6}	{3}	Grab
pH (standard units)	{6}	{6}	{3}	Grab {8}
Toxic Pollutants {7}	{6}	{6}	{3}	{9}

mg/l = milligrams per liter

NTU = nephelometric turbidity units

NOTES:

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- {1} Pollutant concentration levels shall not exceed the effluent limits or be outside the ranges indicated in the table. Actual or measured levels which exceed those effluent limits or are outside those ranges shall be reported to the director as required in section 8(c) of this general permit.
- {2} No limitation at this time. Only monitoring and reporting is required.
- {3} For intermittent discharges, the sample shall be taken once for each discharge. For continuous discharge a sample shall be taken at least once per week.
- {4} Oil and Grease shall be measured by the EPA Method 1664, Revision A.
- {5} EPA methods 5030/8015, or 5030/8020, or 5030/8240, or 602, or 624, or 1624 shall be used for measurement of benzene.
- {6} Effluent limitations are the acute water quality standards established in section 11-54-04, for either fresh or saline waters and specific criteria established in section 11-54-05 and 11-54-06 for the classification of the receiving state waters, as applicable. For pollutants which do not have established acute water quality standards or specific criteria, the permittee shall report any detected concentration greater than 0.01 µg/l.
- {7} The permittee shall test for toxic pollutants, as identified in appendix D of 40 CFR Part 122 or in section 11-54-04 only if they are identified as potential pollutants requiring monitoring in the notice of intent. The permittee shall test for the total recoverable portion of all metals.

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- {8} The permittee shall measure pH within fifteen minutes of obtaining the grab sample.
- {9} The permittee shall test for cyanide and the volatile fraction of the toxic organic compounds using a grab sample. The permittee shall test for all other pollutants, as identified in Appendix D of 40 CFR Part 122 or in section 11-54-04 using a composite sample.

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NPDES GENERAL PERMIT AUTHORIZING OCCASIONAL OR UNINTENTIONAL DISCHARGES FROM RECYCLED WATER SYSTEMS

September 2002

1. Coverage under this General Permit
 - (a) This general permit covers occasional or unintentional discharges composed entirely of:
 - (1) R-1 water, or
 - (2) R-1 water with any combination of stormwater or potable water or water used primarily for irrigation,where the R-1 water is supplied from a treatment works and is conveyed or used by a recycled water system.
 - (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."
2. Limitations on Coverage under this General Permit
 - (a) This general permit does not cover the following:
 - (1) Recycled water system discharges into a sanitary sewer system;
 - (2) Recycled water system discharges which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval

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is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s);

- (3) Recycled water system discharges which are regulated by an existing individual permit;
 - (4) Recycled water systems which the director finds to have violated, be violating, or contributing to a violation of chapter 11-62;
 - (5) Recycled water system discharges that the director finds more appropriately should be regulated under an individual permit; and
 - (6) Treatment works discharges that are not from an approved recycled water system.
- (b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

3. Term of General Permit

- (a) This general permit becomes effective when section 11-55-34.02(b)(9) becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02(b)(9) are adopted, whichever is earlier.
- (b) A notice of general permit coverage under this general permit expires:

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- (1) Five years after the effective date of this general permit;
- (2) When the notice of general permit coverage specifies; or
- (3) When amendments to section 11-55-34.02(b)(9) are adopted,

whichever is earliest, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

4. Notice of Intent (NOI) Requirements

- (a) The owner or its duly authorized representative shall submit a complete notice of intent no later than thirty days before the proposed starting date of the discharge or thirty days before the expiration date of the applicable notice of general permit coverage.
- (b) The owner or its duly authorized representative shall include the following information in the notice of intent:
 - (1) Information required in section 34 of appendix A of chapter 11-55;
 - (2) Activity for which the recycled water is to be used and the amount in gallons per day of recycled water to be used or conveyed;
 - (3) Name of the owner or operator of treatment works producing or supplying the R-1 water, if different from the permittee;
 - (4) Copy of the agreement(s) relating to R-1 water use between the permittee and the owner or operator of treatment works

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producing the R-1 water, if the owner or operator is different from the permittee; and

- (5) Quantitative data of the R-1 water in the recycled water system.
- (c) The director may require additional information to be submitted.
- (d) The owner or its duly authorized representative shall submit a complete notice of intent to the director at the following address or as otherwise specified:

Director of Health
Wastewater Branch
Environmental Management Division
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

6. Implementation of Best Management Practices

- (a) The permittee shall:
 - (1) Implement the best management practices approved by the director under chapter 11-62 before and during the use or conveyance of recycled water;
 - (2) Minimize discharges to state waters to the maximum extent practicable; and

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- (b) The permittee shall implement or supplement the best management practices as needed to improve the quality of discharges to state waters, reduce the risk of discharges to state waters, reduce contamination of R-1 water after it is produced, or when instructed by the director.

7. Effluent Limitations and Monitoring Requirements

- (a) The discharges shall be limited and monitored by the permittee's supplier as specified under chapter 11-62. (Daily maximum effluent limitations for saline water apply only when discharges to saline water occur and daily maximum effluent limitations for fresh water apply only when discharges to fresh water occur.)

(b) Basic Water Quality Criteria and Inspections

- (1) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-04.
- (2) The permittee shall timely inspect the receiving state waters, the recycled water, and the implementation of control measures and best management practices to prevent and detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 11-54-04.
- (3) During each discharge or as soon afterwards as possible, the permittee shall inspect the discharge area and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable

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off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.

- (4) Discharge and receiving water quality may also be monitored by grab samples or other means, and it shall be monitored by any means and at times specified by the director.

8. Corrective Action

- (a) If the permittee notices any item(s) which adversely affects receiving water quality, the permittee shall immediately stop, reduce, or modify operations, or implement new or revised best management practices as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-04.
- (b) If the discharge is not of R-1 quality or the best management practices as approved by the director were not being implemented, then the permittee shall immediately stop, reduce, or modify operations, or implement new or revised best management practices as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-04.

9. Reporting Requirements

- (a) If the discharge is of R-1 quality water and the best management practices as approved by the director were implemented, then the permittee shall orally report within twenty-four hours information regarding the discharge and the best management practices implemented. A summary of all discharges shall be tabulated quarterly and submitted to the wastewater branch within thirty days

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after the quarters ending March, June, September, and December.

- (b) If the discharge is not of R-1 quality, best management practices approved by the director were not being implemented, or water quality is adversely affected, then the permittee shall immediately notify the director of any discharge to state waters, corrective measures taken, and shall report in writing all of a month's discharges and corrective measures within five days after that month.
- (c) The permittee shall make oral reports by telephone to the Wastewater Branch at (808) 586-4294 during regular office hours which are Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m. or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.

10. Submittal Requirements

- (a) The owner or its duly authorized representative shall submit signed copies of monitoring and all other reports required by this general permit to the director at the following address or as otherwise specified:

Director of Health
Wastewater Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378
- (b) The owner or its duly authorized representative shall include the following certification statement and signature on each submittal in accordance with section 11-55-07(b):

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"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

- (c) The owner or its duly authorized representative shall include the notice of general permit coverage file number on each submittal. Failure to provide the assigned general permit file number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).

11. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

12. Record Retention

The permittee shall retain all records and information resulting from the activities required by this general permit for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

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13. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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NPDES GENERAL PERMIT AUTHORIZING DISCHARGES OF STORM WATER AND CERTAIN NON-STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

September 2002

1. Coverage under this General Permit

- (a) This general permit covers storm water and certain non-storm water discharges, provided they do not cause or contribute to any violation of water quality standards, to state waters from small municipal separate storm sewer systems.

Non-storm water discharges authorized by this general permit, provided that they do not cause or contribute to any violation of water quality standards, include:

- (1) Water line flushing;
- (2) Landscape irrigation;
- (3) Diverted stream flows;
- (4) Rising ground waters;
- (5) Uncontaminated ground water infiltration (as defined in 40 CFR §35.2005(20));
- (6) Uncontaminated pumped ground water;
- (7) Discharges from potable water sources and foundation drains;
- (8) Air conditioning condensate;

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- (9) Irrigation water;
 - (10) Springs;
 - (11) Water from crawl space pumps and footing drains;
 - (12) Lawn watering runoff;
 - (13) Water from individual residential car washing;
 - (14) Flows from riparian habitats and wetlands;
 - (15) Dechlorinated swimming pool discharges;
 - (16) Residual street wash water; and
 - (17) Discharges or flows from fire fighting activities.
- (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."

2. Limitations on Coverage under this General Permit

- (a) This general permit does not cover the following:
 - (1) Storm water discharges into a sanitary sewer system;

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- (2) Storm water discharges from construction activities greater than one acre which discharges into the permittee's small municipal separate storm sewer system;
 - (3) Storm water discharges from industrial facilities as defined in 40 CFR §§122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi) which discharges into the permittee's small municipal separate storm sewer system;
 - (4) Storm water discharges from small municipal separate storm sewer systems which initially enter a separate storm water drainage system(s), unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s);
 - (5) Storm water discharges for which the director has issued a notice of general permit coverage under another general permit specific to that type of industrial activity; and
 - (6) Storm water discharges the director finds more appropriately regulated under an individual permit.
- (b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

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3. Term of General Permit

(a) This general permit becomes effective when section 11-55-34.02(b)(10) becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02(b)(10) are adopted, whichever is earlier.

(b) A notice of general permit coverage under this general permit expires:

(1) Five years after the effective date of this general permit;

(2) When the notice of general permit coverage specifies; or

(3) When amendments to section 11-55-34.02(b)(10) are adopted,

whichever is earliest, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

4. Notice of Intent Requirements

(a) The owner or its duly authorized representative shall submit a complete notice of intent no later than thirty days before the proposed starting date of the discharge.

(b) The owner or its duly authorized representative shall include the following information in the notice of intent:

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- (1) Information required in section 34 of appendix A of chapter 11-55;
 - (2) Non-storm water discharge information;
 - (3) Facility site map;
 - (4) Storm water management plan, which meets the applicable requirements as specified in section 6 of this general permit. The storm water management plan may be submitted to the director with the notice of intent or within one hundred twenty days after the issuance date of the notice of general permit coverage or by the date the permittee claimed automatic coverage as specified in section 11-55-34.09(e)(2), or for proposed small municipal separate storm sewer systems, by the date the permittee's small municipal separate storm sewer system becomes operational.
- (c) The director may require additional information to be submitted.
- (d) The owner or its duly authorized representative shall submit a complete notice of intent to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

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5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

6. Storm Water Management Plan Requirements

The permittee shall develop, implement, and enforce a storm water management plan designed to reduce the discharge of pollutants from the permittee's small municipal separate storm sewer system to the maximum extent practicable in order to protect water quality and satisfy the appropriate water quality requirements of the Clean Water Act. The storm water management plan shall include the minimum control measures identified below with implementation dates and rationales for each measure:

(a) Minimum Control Measures

(1) Public Education and Outreach

Develop and implement a public education program to distribute educational materials to users of the permittee's small municipal separate storm sewer system or equivalent outreach activities emphasizing the following:

- (A) Impacts of storm water discharges on water bodies,
- (B) Hazards associated with illicit discharges, and

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(C) Measures that users of the permittee's small municipal separate storm sewer system can take to reduce pollutants in storm water runoff, including, but not limited to, minimizing fertilizer application and practicing proper storage and disposal of chemicals and wastes;

(2) Public Involvement/Participation

Include users of the permittee's small municipal separate storm sewer system in developing, implementing, and reviewing the storm water management plan;

(3) Illicit Discharge Detection and Elimination

Develop, implement, and enforce a program to detect and eliminate illicit discharges that, at a minimum, includes the following:

(A) Establishment of rules, ordinances, or other regulatory mechanism, including enforcement procedures and actions, that prohibit non-storm water discharges, except those listed in section 1 that do not cause or contribute to any violations of water quality standards, into the permittee's small municipal separate storm sewer system,

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- (B) Procedures to detect and eliminate illicit discharges (as defined in 40 CFR Section 122.26(b)(2)), and
 - (C) Compilation of a list of non-storm water discharges or flows that are considered to be significant contributors of pollutants to the system and measures to be taken to prevent these discharges into the permittee's small municipal separate storm sewer system, or reduce the amount of pollutants in these discharges;
- (4) Construction Site Runoff Control
- Develop, implement, and enforce a program to reduce pollutants in storm water runoff entering the permittee's small municipal separate storm sewer system from construction activities disturbing one acre or more, including construction activities less than one acre that are part of a larger common plan of development or sale that would disturb one acre or more, that, at a minimum, includes the following:
- (A) Establishment of rules, ordinances, or other regulatory mechanism, including enforcement procedures and actions, that require erosion and sediment controls,
 - (B) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices,

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- (C) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality,
 - (D) Procedures for site plan review which incorporate consideration of potential water quality impacts,
 - (E) Procedures for receipt and consideration of information submitted by the public, and
 - (F) Procedures for site inspection and enforcement of control measures;
- (5) Post-Construction Storm Water Management in New Development and Redevelopment

Develop, implement, and enforce a program to reduce pollutants in storm water runoff entering the permittee's small municipal separate storm sewer system from new development and redevelopment projects that disturb greater than or equal to one acre, including construction sites less than one acre that are part of a larger common plan of development or sale that would disturb one acre or more, that, at a minimum, includes the following:

- (A) Establishment of rules, ordinances, or other regulatory mechanism, including enforcement procedures and actions, that address post-

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construction runoff from new development and redevelopment projects,

- (B) Structural and/or non-structural best management practices to minimize water quality impacts and attempt to maintain pre-development runoff conditions, and
- (C) Procedures for long-term operation and maintenance of best management practices.

(6) Pollution Prevention/Good Housekeeping

Develop, implement, and enforce an operation and maintenance program to prevent and reduce storm water pollution from activities, including, but not limited to, park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance that, at a minimum, includes the following:

- (A) Good housekeeping and other control measures, and
- (B) Employee and contractor training on good housekeeping practices to ensure that good housekeeping measures and best management practices are properly implemented.

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(b) Measurable Goals

The permittee shall develop measurable goals to gauge permit compliance and program effectiveness for each minimum control measure identified above. The permittee shall select measurable goals using an integrated approach that fully addresses the requirements and intent of the minimum control measure.

(c) Modifications

(1) Significant Modifications

(A) Modifications to the storm water management plan that would result in a major reduction in the overall scope or level of effort or both of the storm water management plan must be made for cause and in compliance with 40 CFR §122.62 and 40 CFR Part 124.

(B) The permittee shall report in writing any proposed modification described above to the Director of Health for approval at least thirty days prior to the initiation date of the modification.

(2) Other Modifications

The permittee shall report and justify all other modifications made to the storm water management plan in the annual report for the year in which the modification was made.

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7. Basic Water Quality Criteria and Inspections

- (a) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-04.
- (b) The permittee shall timely inspect the receiving state waters, effluent, and control measures and best management practices to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 11-54-04. (e.g., the permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)

8. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-04.

9. Reporting Requirements

(a) Annual Report

The permittee shall submit an annual report by the twenty-eighth day of January of the following year. The annual report shall cover each calendar year during the term of this permit and include the following:

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- (1) Status of compliance with conditions of this permit;
 - (2) Assessment of the storm water management plan, including progress towards implementing each minimum control measure;
 - (3) Modifications made to the storm water management plan and implementation schedule during that calendar year, including justifications;
 - (4) Summary of the storm water activities planned to be undertaken during the next calendar year; and
 - (5) Major modifications made to the permittee's small municipal separate storm sewer system, including, but not limited to, addition and removal of outfalls, drainage lines, and treatment facilities.
- (b) Noncompliance, Unanticipated Bypass, or Upset
- (1) The permittee or its duly authorized representative shall orally report any of the following when the permittee or its duly authorized representative becomes aware of the circumstances:
 - (A) Violation of a basic water quality criterion specified in section 7;
 - (B) Discharge or noncompliance which may endanger health or the environment; or

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- (C) Unanticipated bypass or upset.
- (2) The permittee shall make oral reports by telephone to the Clean Water Branch at (808) 586-4309 during regular office hours which are Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m. or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.
- (3) The permittee shall provide a written report within five days of the time the permittee or its duly authorized representative becomes aware of the circumstances. The written report shall include the following:
 - (A) Description of the noncompliance, unanticipated bypass, or upset and its cause;
 - (B) Period of noncompliance, unanticipated bypass, or upset including exact dates and times;
 - (C) Estimated time the noncompliance, unanticipated bypass, or upset is expected to continue if it has not been corrected; and
 - (D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.
- (4) The director may waive the written report on a case-by-case basis if the

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oral report has been received within twenty-four hours.

(c) Planned Changes

The permittee shall report any planned physical alterations or additions to the permitted facility, not covered by 40 CFR §122.41(l)(1)(i), (ii), and (iii) to the director on a quarterly basis.

10. Submittal Requirements

- (a) The owner or its duly authorized representative shall submit signed copies of monitoring and all other reports required by this general permit to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

- (b) The owner or its duly authorized representative shall include the following certification statement and signature on each submittal in accordance with section 11-55-07(b):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who

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manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

- (c) The owner or its duly authorized representative shall include the notice of general permit coverage file number on each submittal. Failure to provide the assigned general permit file number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).

11. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

12. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

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13. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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NPDES GENERAL PERMIT AUTHORIZING DISCHARGES OF CIRCULATION WATER FROM DECORATIVE PONDS OR TANKS

September 2002

1. Coverage under this General Permit
 - (a) This general permit covers discharges of circulation water from decorative ponds or tanks containing fish or other aquatic species, not including mammals. This general permit also covers discharges of circulation water from decorative ponds or tanks that do not contain fish or other aquatic species provided that the discharge complies with chapter 11-54 entitled "Water Quality Standards."
 - (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."
2. Limitations on Coverage Under the General Permit
 - (a) This general permit does not cover the following:
 - (1) Discharges of circulation water from decorative ponds or tanks into a sanitary sewer system and
 - (2) Discharges of circulation water from decorative ponds or tanks which

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initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s).

- (b) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

3. Term of General Permit

- (a) This general permit becomes effective when section 11-55-34.02(11) becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires when amendments to section 11-55-34.02(b)(11) are adopted, whichever is earlier.

- (b) A notice of general permit coverage under this general permit expires:

- (1) Five years after the effective date of this general permit;
- (2) When the notice of general permit coverage specifies; or
- (3) When amendments to section 11-55-34.02(b)(11) are adopted,

whichever is earliest, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

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4. Notice of Intent Requirements

- (a) The owner or its duly authorized representative shall submit a complete notice of intent no later than thirty days before the proposed starting date of the discharge.
- (b) The owner or its duly authorized representative shall include the following information in the notice of intent:
 - (1) Information required in section 34 of appendix A of chapter 11-55;
 - (2) Description of the decorative fish pond or tank and the type of aquatic species being housed. The description should include, but not be limited to: material type of the pond or tank; water volume contained; the type, size, and number of aquatic species being housed; and, the type(s) and quantity of food utilized;
 - (3) Description of the average frequency of flow and duration of any intermittent or seasonal discharge. The frequency of flow means the number of days or months per year when there is an intermittent discharge. Duration means the number of days or hours per discharge. Provide the best estimate for new discharges;
 - (4) Source(s) of the circulation water for the decorative fish pond or tank;
 - (5) Quantitative data on pollutants that the owner or operator of the facility knows or reasonably should know are or will be present in the discharge and for which

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the pollutants numerical criteria for the existing or proposed receiving state waters are specified in chapter 11-54, especially section 11-54-04;

- (6) Name and chemical composition of any water enhancement or treatment additives, if any used;
 - (7) Best management practices applied to minimize or eliminate the discharge of pollutants (e.g., feeding procedures, pond or tank cleaning operations, and control measures); and
 - (8) A brief description of any treatment system used or to be used.
- (c) The director may require additional information to be submitted.
- (d) The owner or its duly authorized representative shall submit a complete notice of intent to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard

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general permit conditions, the more stringent conditions shall apply.

6. Effluent Limitations and Monitoring Requirements

- (a) The effluent shall be limited and monitored by the permittee as specified in this section and in Table 34.8.

(1) Sampling Points

The permittee shall collect representative discharge samples downstream from the decorative fish pond or tank circulation water discharge point(s) and prior to entering the receiving state water or separate storm water drainage systems or at a location that is approved by the department which is representative of the decorative fish pond or tank effluent water quality.

(2) Collection of Samples

The permittee shall take samples and measurements for the purposes of monitoring which are representative of the volume and nature of the total discharge.

(3) Types of Samples

- (A) "Grab sample" means an individual sample collected within the first fifteen minutes of a discharge.
- (B) "Composite sample" means a combination of a least eight samples aliquots, collected at

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periodic intervals during the operating hours of the facility over a 24-hour period. The composite shall be flow proportional; either the time interval between each aliquot or the volume of each aliquot shall be proportional to the total effluent flow since the collection of the previous aliquot. The permittee may collect aliquots manually or automatically.

(4) Test Procedures

- (A) The permittee shall use test procedures for the analysis of pollutants which conform with regulations published under Section 304(h) of the Act.
- (B) Unless otherwise noted in this general permit, the permittee shall measure all pollutant parameters in accordance with methods prescribed in 40 CFR Part 136, promulgated under Section 304(h) of the Act. The permittee may submit applications for the use of alternative test methods in accordance with 40 CFR Section 136.4.
- (C) The permittee shall use test methods with detection limits that reflect the applicable numerical limitations as specified in chapter 11-54. If the test result is not detectable, indicate that the test

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result is "less than #," where the # is the lowest detection limit of the test method used.

(5) Recording of Results

The permittee shall comply with section 14(c) of appendix A of chapter 11-55 for each measurement or sample taken under the requirements of this general permit.

(b) Basic Water Quality Criteria and Inspections

- (1) The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-04.
 - (2) The permittee shall timely inspect the receiving state waters, effluent, and control measures and best management practices to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 11-54-04. (e.g., the permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)
- (c) There shall be no floating solids, foam, or visible oil sheen in the effluent.

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- (d) There shall be no discharge of pond or tank cleaning wastewaters that are generated during the cleaning of a pond or tank that has been drained of water below the normal operating level(s).
- (e) There shall be no discharge of filter backwash effluent.
- (f) There shall be no discharge of any water enhancement or treatment additives above applicable water quality standards or above detectable levels or quantities if no applicable water quality standard for such constituents exists.

7. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-04.

8. Reporting Requirements

(a) Reporting of Monitoring Results

- (1) The permittee shall report monitoring results on a discharge monitoring report form (EPA No. 3320-1). The permittee shall submit results of all monitoring required by this general permit in a format that demonstrates compliance with the limitations in Table 34.8 and other requirements of this general permit.
- (2) The permittee shall submit monitoring results obtained during the previous calendar month, postmarked no later than

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the twenty-eighth day of the month following the completed reporting period.

- (3) The permittee shall also submit the monitoring results with laboratory reports, including quality assurance/quality control data; effluent flow calculations; and any additional treatment strategies to be implemented based on monitoring results.
 - (4) Should there be no discharges during the monitoring period, the discharge monitoring report form shall so state.
- (b) Additional Monitoring by the Permittee
- If the permittee monitors any pollutant at location(s) designated herein more frequently than required by this general permit, using approved analytical methods as specified in section 6(a)(4)(B), the permittee shall include the results of this monitoring in the calculation and reporting of the values required in the discharge monitoring report form. The permittee shall also indicate the increased frequency.
- (c) Reporting of Noncompliance, Unanticipated Bypass, or Upset
- (1) The permittee or its duly authorized representative shall orally report any of the following when the permittee or its duly authorized representative becomes aware of the circumstances:

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- (A) Violation of an effluent limitation specified in Table 34.8 or a basic water quality criterion specified in section 6;
 - (B) Discharge or noncompliance with effluent limitations which may endanger health or the environment; or
 - (C) Unanticipated bypass or upset.
- (2) The permittee shall make oral reports by telephone to the Clean Water Branch at (808) 586-4309 during regular office hours which are Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m. or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.
- (3) The permittee shall provide a written report within five days of the time the permittee or its duly authorized representative becomes aware of the circumstances. The written report shall include the following:
- (A) Description of the noncompliance, unanticipated bypass, or upset and its cause;
 - (B) Period of noncompliance, unanticipated bypass, or upset including exact dates and times;
 - (C) Estimated time the noncompliance, unanticipated bypass, or upset is

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expected to continue if it has not been corrected; and

- (D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.

- (4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

(d) Schedule of Maintenance

The permittee shall submit a schedule for approval by the director at least fourteen days prior to any maintenance of facilities which might result in exceedance of effluent limitations. For purposes of this general permit only, maintenance shall include, but not be limited to, the routine cleaning of the pond or tank while filled with water and otherwise still operated under normal conditions. The schedule shall include a description of the maintenance and its reason; the period of maintenance, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent occurrence of noncompliance.

9. Submittal Requirements

- (a) The owner or its duly authorized representative shall submit signed copies of monitoring and all other reports required by this general permit to the director at the following address or as otherwise specified:

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Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

- (b) The owner or its duly authorized representative shall include the following certification statement and signature on each submittal in accordance with section 11-55-07(b):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

- (c) The owner or its duly authorized representative shall include the notice of general permit coverage file number on each submittal. Failure to provide the assigned general permit file number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).

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10. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

11. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

12. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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TABLE 34.8

EFFLUENT LIMITATION AND MONITORING REQUIREMENTS
FOR CIRCULATION WATER FROM DECORATIVE PONDS AND TANKS

Effluent Parameter	Effluent Limitation {1}	Minimum Monitoring Frequency	Type of Sample
Flow (GPD)	{2}	Once/Quarter	Estimate
Total Nitrogen (mg/l)	{2}	Once/Quarter	Grab
Nitrate + Nitrite Nitrogen (mg/l)	{2}	Once/Quarter	Grab
Ammonia Nitrogen (mg/l)	{2}	Once/Quarter	Grab
Total Phosphorus (mg/l)	{2}	Once/Quarter	Grab
Chlorophyll a (µg/l)	{2}	Once/Quarter	Grab
Total Suspended Solids (mg/l)	10	Once/Quarter	Grab
Turbidity (NTU)	{3}	Once/Quarter	Grab
pH (standard units)	{4}	Once/Quarter	Grab {5}
Fecal coliform or Enterococcus (no./100 ml) {6}	{7}	Once/Quarter	Grab
Toxic Pollutants {8}	{9}	Once/Quarter	{10}

GPD = gallons per day

mg/l = milligrams per liter

µg/l = micrograms per liter

NTU = Nephelometric Turbidity Units

no./100 ml = number per 100 milliliters

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NOTES:

- {1} Pollutant concentration levels shall not exceed the effluent limits or be outside the ranges indicated in the table. Actual or measured levels which exceed those effluent limits or are outside those ranges shall be reported to the director as required in section 8(c) of this general permit.
- {2} No limitation at this time. Only monitoring and reporting required.
- {3} Effluent limitation is the specific criteria established in section 11-54-05 and 11-54-06 for the classification of the receiving state waters, as applicable.
- {4} The pH value shall not be outside the range as specified in chapter 11-54 for the applicable classification of the receiving state waters.
- {5} The permittee shall measure pH within fifteen minutes of obtaining the grab sample.
- {6} Applicable if potentially present in the discharge.
- {7} Effluent limitation is the specific criteria established in section 11-54-08 for the classification of the receiving state waters, as applicable.
- {8} The permittee shall test for toxic pollutants, as identified in Appendix D of 40 CFR Part 122 or in section 11-54-04 only if they are identified as potential pollutants requiring monitoring in the notice of intent. The permittee shall test for the total recoverable portion of all metals.

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- {9} Effluent limitations are the acute water quality standards established in section 11-54-04, for either fresh or saline waters and specific criteria established in section 11-54-05 and 11-54-06 for the classification of the receiving state waters, as applicable. For pollutants which do not have established acute water quality standards or specific criteria, the permittee shall report any detected concentration greater than 0.01 µg/l.
- {10} The permittee shall test for cyanide and the volatile fraction of the toxic organic compounds using a grab sample. The permittee shall test for all other pollutants, as identified in Appendix D of 40 CFR Part 122 or in section 11-54-04 using a composite sample.